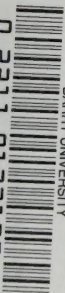


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SOME EIGHTEENTH CENTURY TRACTS
CONCERNING NORTH CAROLINA

SOME EIGHTEENTH CENTURY TRACTS

CONCERNING

NORTH CAROLINA

WITH INTRODUCTIONS AND NOTES

BY

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PREFACE

In all the literature pertaining to the history of North Carolina, no titles are scarcer than pamphlets and broadsides printed before 1800. This is undoubtedly explained by the fact that there were no printing presses in the colony prior to 1749, that the editions of all publications in the eighteenth century were small, and that there were no libraries or institutions which made a business of preserving contemporary printed records. However, a number of pamphlets and broadsides were issued, some of them from presses in other colonies or states. While searching for material relating to the South Atlantic region in the larger institutions and foundations of the Northeast, it was my fortune to disclose a number of such publications, of which not more than two copies of any one are known to exist, and none whatever are preserved in the collections in North Carolina. These together with one pamphlet in the possession of the University of North Carolina (Maurice Moore's *Justice and Policy of taxing the Colonies in Great Britain*), one in the collections of the North Carolina Historical Commission (George Micklejohn's *Sermon*), and two manuscripts also in those collections (the Searcy *Petition* and the Sims *Address*), one tract in the British Museum (John Rutherford's *Importance of the Colonies to Great Britain*), and also one printed by George Harding (Henry McCulloh's *Miscellaneous Representations*), are here reprinted. I trust that they may be of service to scholars and useful to the general reader in forming more definite impressions concerning politics and economics in North Carolina during the eighteenth century. I should add that all these have also been reprinted serially in the *North Carolina Historical Review* (January 1925 to January 1927, inclusive) and that except for a few changes and corrections in the introductions, the content of the volume is identical with the serial series.

I am deeply indebted to the authorities of the institutions and libraries in which these pamphlets are preserved for permission to

make the reprints, and also to various individuals for valuable assistance in securing information for some of the introductions. This obligation is more specifically noted in each introduction. I also wish to express my indebtedness to the University of Pennsylvania, for it was the tenure of a Harrison Research Fellowship at that institution which made possible the collection of these pamphlets and other materials pertaining to the history of the South Atlantic region.

WILLIAM K. BOYD.

Durham, N. C.
March 7, 1927.

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I

A TRUE AND FAITHFUL NARRATIVE OF THE PROCEEDINGS OF THE HOUSE OF BURGESSES OF NORTH CAROLINA (1740).

INTRODUCTION

This pamphlet is illustrative of a notable incident in the history of the colonial judiciary of North Carolina, the attempt in 1739 to impeach William Smith, Chief Justice of the Province.

Little is known of the antecedents of William Smith. He is said to have been a graduate of one of the English universities and to have been a barrister for two years before coming to North Carolina. When he arrived is unknown, but early in 1731 upon the nomination of Governor George Burrington he was appointed a member of the Council and was commissioned Chief Justice. In April he was also appointed Treasurer of the Province, vice Edward Moseley. However, he soon took a part in the controversies of the time as an opponent of Governor Burrington. On three matters the Governor and the Chief Justice differed. First, the Governor held that the assistants appointed along with the Chief Justice were associate justices and had a right to appear on the bench; on the other hand, Smith claimed that they were merely masters in chancery and not judges, and so he held court without them. Second, Governor Burrington in consulting the Council, submitted questions in writing and asked for an opinion; Smith held that he should appear in person and discuss the matters with the Council. Finally, there were complaints regarding excessive fees, especially the port fees; the Governor held that these were determined by the Chief Justice, Smith that Burrington was responsible for them.

In the meantime Governor Burrington had differences with other officials and also won the enmity of the Assembly. Late in the spring of 1731 Smith went to England, where he filed complaint against the Governor on behalf of the Assembly as well as himself. Burrington, hearing of Smith's action, filed countercharges. The result was the appointment of Smith as Chief Baron of the Exchequer of North Carolina in May 1732, the recall of Burrington, and the appointment of Gabriel Johnston as Governor in March, 1733. For his services in England the Assembly gave Smith a vote of thanks and also appropriated £1,000 to cover his expenses. In the meantime, during his absence, Burrington appointed John Palin Chief Justice. He resigned because of poor health and was

succeeded by William Little, who soon died. Daniel Hanmer then became Chief Justice.

When Smith returned from England in June 1732, the enmity between him and Burrington became more intense. The Governor declared that he barely escaped assassination by Smith and that Smith and his confederates, in order to avoid prosecution, fled to Virginia. There Smith remained until the arrival of the new Governor, Gabriel Johnston, in October, 1734. One of Johnston's first acts was to restore to office Smith and other officials who had been removed by Burrington.

With Governor Johnston the Chief Justice was on intimate and friendly terms. The two men coöperated very closely. Of this there were three notable examples. One was the question of the payment of quit rents. Governor Johnston insisted that they be paid, according to royal instructions, in proclamation money: viz., specie of foreign coinage, the relation of which to the English pound should be fixed by proclamation of the Crown. To this the Assembly objected, holding that the rents should be paid in commodities or the paper money of the colony. Smith supported the views of the Governor and pointed out that since only six acts of the Assembly had been formally approved by the Proprietors, none of which concerned quit rents, the existing statutes on the question were null and void. In one of the discussions on the subject there was considerable excitement and Edward Moseley, exponent of the policy advocated by the Assembly, struck the Chief Justice, for which action he was bound over to the General Court on a charge of assault.

The second example of the coöperation of the Governor and the Chief Justice was in the controversy over the incorporation of Wilmington. Governor Johnston was keenly interested in the development of the southern part of the province. He made his home on the lower Cape Fear and from that region he chose most of the members of the Council. But he had little sympathy with Brunswick and its chief family, the Moores. He therefore favored Newtown, a rival settlement. In its vicinity he procured a plantation and there in 1735 he opened a land office and established a seat of justice, where the Court of Exchequer as well as a court of oyer and terminer was held. There, too, he held sessions of the Council. In 1736 a bill was introduced in the Assembly to incorporate Newtown as Wilmington, in honor of Spencer Compton, Earl of Wilmington, the

patron of Governor Johnston. Through the influence of the Moores the bill was defeated, but in February 1736, a second bill of incorporation passed. However, in the Council the vote was a tie, standing four to four. Thereupon Smith, who was then President of the Council, declared that he had a right as presiding officer to cast a second ballot. As he favored incorporation, the bill became a law.

The third example of the coöperation of the Chief Justice and the Governor is found in the movement to impeach Smith. There was an effort to prefer charges against him in the session of November 1738, but the attendance was small and pressure was brought to bear upon four members by the Chief Justice to absent themselves. As a result there was no quorum and the Governor dissolved the Assembly. In the language of the time, the four members under Smith's influence "took to the bushes," and the Assembly was popularly known as the "Bush Assembly." However, the movement to impeach could not be circumvented; it was an issue in the elections for the next Assembly which met in February 1739, the same session at which Wilmington was incorporated. On Monday, February 11, the Chief Justice was formally charged with high crimes and misdemeanors by Sir Richard Everard, son of the proprietary Governor of that name, and Samuel Swann, a man for many years prominent in the legislative annals of the province. It was requested that the time for filing formal articles of impeachment and the presentation of evidence be fixed for the following Saturday. But the Smith faction was strong enough to make the date Wednesday, the 13th. On that day seventeen articles of complaint were submitted. After a review of such evidence as could be produced, the Assembly voted by a majority of six that it was insufficient for impeachment. Thereupon certain members of the faction opposed to Smith prepared and published the following pamphlet: *A True and Faithful Narrative of the Proceedings of the House of Burgesses of North Carolina*. There was no printing press in the province at that time, and the pamphlet was published in Williamsburg, Va., at the press of William Parks. The only copy known to exist is in the possession of the Massachusetts Historical Society and by the courtesy of that Society it is here reproduced.

The *True and Faithful Narrative* has a threefold value. It contains the formal articles of complaint and the evidence in support of them, which are not to be found in the *Colonial Records of North*

Carolina. It gives a fuller account of the proceedings in the Assembly relative to impeachment than is to be found in the official journals. It also cites certain violations of technicalities of procedure on the part of the Chief Justice and his high-handed conduct on the bench—a characteristic of the colonial judiciary confined by no means to William Smith. Indeed, in a frontier province it was naturally difficult to follow all the technicalities in the law of the Old World, and when judges were appointed, not elected, when their income was from fees, and when politics centred largely in contests for local power, such conditions as are laid bare by the career of William Smith are not surprising.

In the spring of 1740 Daniel Hanmer, last of those who had acted as Chief Justice during Smith's absence in England, was prosecuted in the General Court on a charge of perjury and was found guilty. We do not know all the terms of the sentence which was imposed by the Chief Justice (it included imprisonment), but it was so severe that Hanmer declared it would ruin his business and petitioned the Chief Justice for clemency, which was denied. In 1743 Hanmer, apparently having met the terms of the sentence, petitioned the King in Council for an investigation, claiming that the proceedings by which he had been sentenced were such as "were never known in the Dominions belonging to the Crown of Great Britain, or the like in the most dissolute and uncivilized Government." Apparently the petition was fruitless; no reply is known to exist.

William Smith died in the same year that Hanmer made his appeal to British authority: viz., 1743. Apparently he was unmarried and without family, for he left his property to Governor Johnston. All that is known of him may be gleaned from the *Colonial Records of North Carolina* (Vols. III and IV) and *A True and Faithful Narrative*.

True and Faithful
NARRATIVE
Of the Proceedings
OF THE
House of Burgesses
of North-Carolina,

Met in Assembly for the said Province at New-
bern, February 5th 1739/40.

On the Articles of Complaint exhibited before
them against the Honourable *William Smith*,
Esq. Chief Justice of the said Province, for high
Crimes and Misdemeanors done and committed
by the said *William Smith* in the execution
of his Office.

Published for the Justification of the Gentlemen Members
of this House, who voted the said Articles sufficiently
proved for the said Chief Justice to be charged
therewith.

Addressed to the Freeholders of North-Carolina.

Psalm cix. 2. When the Righteous are in Authority
the People rejoice; but when the Wicked beareth
Rule the People mourn.

A True and Faithful Narrative, &c.

THE slow and confused Proceeding of the late Assembly held at *Newbern* for this Province, the little regard the Majority of that House seemed to have for the Interest of their Country, in rejecting the Evidence brought to support the Articles of Complaint, exhibited before them against Mr. Chief Justice *Smith*, makes it necessary for those Gentlemen who happened to differ in Opinion from the Majority to appeal to the World for their Justification, and to acquit themselves of any Blame that may lay at their Doors, by publishing those Articles against the Chief Justice, with the Proceedings thereupon, to the World, and they are the more inclined to this Method of Proceeding, not only because it will open the Eyes of the deluded People of this Province, but that the Iniquities committed by Mr. *Smith* in the Courts of Justice where he presides may meet with the Censure they deserve.

Before I enter further into the Proceedings of the last Assembly it will not be amiss to look back into, and inquire out the Causes of the Dissolution of the former, who took more pains to reconcile and unite the divided Interests of their Country, than any that went before them. That Assembly was, (according to it's Prorogation) to have met at *Newbern*, on the fifth Day of *November* last; accordingly Twenty-six Members met [2]* at that Town, but four of those Gentlemen being more attached to the Chief Justice, than to the Service of their Country refused to attend the House, by which Means, there wanted two Members, to make a Majority without which their could not be a House; His Excellency the Governour being acquainted with the true State of the Affair, prorogued the Assembly several Times, in hopes more Members would come, but the Season of the Year and the intemperance of the Weather, prevented the coming of any more, until after the Dissolution of that Assembly, which happened a Week after the Time appointed for it's Meeting. Thus after many Prorogations within the space of a Week at the end

*This and similar numerals inserted in the text are Editorial, and indicate the beginning of a page in the original edition of the pamphlet.

of each of those Prorogations the four Gentlemen constantly neglecting to attend the Service of the House; the Assembly was put an end to by Dissolution to the great Damage of the Province.

I think it would not be just, should I neglect to acquaint the World with the Names of those abdicating Gentlemen, their Conduct, since sufficiently convinces us, what Motive occasioned their Desertion, and as those Gentlemen this present Assembly moved to have the Thanks of the House for the Service done their Country, by their Abdication. I imagine (notwithstanding the House was not so kind as to comply with their Desires) that I cannot offer a more pleasing Incense to the vanity of the illustrious Patriots; and so without any kind of Apology, I inform our Readers they were, *John Hogson, Esq*; the present Speaker, Colonel *Benjamin Hill*, Mr. *John Blount*, and Colonel *Benjamin Peyton*. The Reasons which induced those Gentlemen to such Conduct were notoriously known to proceed from Mr. Chief Justice, that Gentleman was acquainted, that Articles of Complaint would be exhibited against him, for Male Administrations in his office, and he plainly foresaw that if there should be at that Time a House, a strict Inquiry would be made into his Conduct, which he was well [3] convinced would not bear a nice Scrutiny, and that there was no Way so effectual to prevent the Danger he was exposed to, as breaking the House, which could not be effected but by persuading those Gentlemen to Abdicate: This is Evident to any one, who considers the Correspondence the Chief Justice kept with those Gentlemen in the Time of their Desertion, and more especially from a very remarkable Letter sent from the Chief Justice, to the now Speaker in their last Retreat, which Letter for the Elegance of it's Stile, deserves to be handed down to Posterity with great Care and Circumspection; but as we have not been so happy as to peruse that extraordinary Epistle, we can only communicate the Substance of it, as we received the same, from one of those abdicating Gentlemen; "Sir, the Assembly is Dissolved and the Members sent to the Devil, tantarararo, tantwive, tantwive." If our Readers will consider this Correspondence, & how steadily those Gentlemen have since adhered to the Chief Justice's Interest in the Affair of the Articles, exhibited against him, they will not think, those Gentlemen unjustly charged with deserting the Service of their Country at that Time with intent to screen the said Chief Justice from a deserved Publick Censure. Immediately after the Dissolution of the last

Assembly, his Excellency the Governour, was pleased to issue Writs for Electing Members for a new Assembly; We imagine it cannot surprize any judicious Persons, that the Articles of Complaint, against Mr. Chief Justice *Smith* should miscarry, when he shall be acquainted with the great Expence and Diligence of that Gentleman to get his Friends into the House, he work'd upon the Hopes, the Fears and the Avarice of the Electors to gain his Point, every Election throughout the whole Province was more or less influenced by that Gentleman or his Friend : It is indeed much greater Cause of wonder, how there came to be so great a [4] Defection from the Interest of their Country, and notwithstanding so powerful, so assiduous an Interest carried on by that Gentleman and his Friends at the last Election, with so much Profuseness and Extravagance, so many Gentlemen should obtain Seats in that House, contrary to the Expectations and Designs of himself and his Friends. And that notwithstanding all Mr. Chief Justice, his Assiduity and Expence at *Newbern*, all his Perswasions and Promises of passing such favourite Bills as those, he depended upon were most Interested in, that after this, this very Assembly, which he flatter'd himself he had moulded to his Wishes, should refuse to Vote the Articles against him, false, or him Innocent and Upright, contrary to the Motion of his securer Friends in that House, and his own Expectations, and that those his own Friends, should not reject the Articles against him, but only reject the Evidence and should unfortunately leave those Articles so much his dread, upon their Journals, still subject to a further Examination and Inquiry.

We shall now proceed to the Journals of the Assembly as far as relates to the Subject of this Narrative.

' Feb. 11, 1739 Mr. *Benjamin Peyton* moved this House, as
' Mr. Chief Justice *Smith* was the last Assembly if they had sat, to
' have been Charged with several Crimes and Misdemeanors, and
' they were not yet produced to this House, that they might be
' produced immediately, or the said Chief Justice might be declared
' a just and upright Judge, upon which Sir *Richard Everard* Baronet
' one of the Members of this House charged the said Chief Justice
' with high Crimes and Misdemeanors, and was seconded by Mr.
' *Samuel Swann*, and pray'd leave to exhibit Articles to that purpose
' against him, and moved this House to have Leave till

‘ Wednesday to bring in the said Articles, which was accordingly
 ‘ granted. Vera Copia Test *William Heritage* Clerke Dom Bur And
 ‘ a Warrant issue Sign’d by Mr. Speaker to bring all [5] Persons,
 ‘ Papers and Records before them, to enable them to make good
 ‘ their said Articles.

True Copy, *William Heritage* Cl. Dom. Bur.

‘ Sir *Richard Everard* moved this House, as he was ordered to
 ‘ draw the Articles against the Honourable *William Smith*, Esq.
 ‘ Chief Justice, that Mr. *Maurice Moore*, might assist therein, and
 ‘ that they might withdraw from the Service of the House, till To-
 ‘ morrow Morning to prepare the said Articles:

Ordered, that they have Leave to withdraw themselves Accordingly.

We apprehend it will be proper for the clearer Understanding of the present Controversy for us to make our Observations upon the Proceedings as they passed in the House, Day by Day, rather than to Observe upon the whole at once, which may possibly render them confused and intricate so that we may unfortunately by that Means disappoint the World.

On Monday *Feb.* 11th Mr. *Benjamin Peyton* Member for the County of *Beaufort*, made the Motion aforementioned, upon which ensued a very warm Debate, in which the Gentlemen, who were concerned in the Articles, seemed to decline the producing them to the House, at that Juncture for Reasons very plain and obvious, but the Gentlemen on the other Side tumultuously insisting that the Chief Justice should be voted innocent and upright, notwithstanding no Accusation then lay against him, and Mr. Speaker being very forward to put the Question, which he often during the Debate stated thus, *Viz* Whether Mr. Chief Justice *Smith* should not be declared by the House an impartial and upright Judge, and that he should receive the Thanks of the House for his good Services? It was then thought high Time to put a stop to such extravagant Proceedings, and since Argument and Reason, had been found ineffectual, to have recourse to some other Method, which induced Sir *Richard Everard* Baronet to rise up and accuse the said Chief Justice [6] of high Crimes & Misdemeanors, and to pray a sufficient Time might be granted to exhibit Articles for that purpose to the House, and he was seconded by Mr. *Samuel Swann*. The Chief Justice’s Friends, who

did not apprehend such a Consequence would proceed from Mr. *Peyton's* Motion, were very much Alarm'd thereat, and they knew that nothing could save their Friend, but straitning the Gentlemen who were to produce the Articles, as to Time, upon which those Gentlemen insisted that they might be produced the next Morning, which occasioned another Debate, and the House were told that it looked as if they had no real Design to give their Country any Relief as to the Matters which might be contained in the Articles, since they seemed so desirous to Contract the Time, that the Articles ought to be well considered before they appeared in the House, and that in the like Cases at home, sufficient Time was never deny'd; at last Mr. Speaker put the Question, If the Gentlemen should be allowed Time till Saturday, to prepare and bring in their Articles? which was carried in the Negative, but no notice is taken of this Division in the Journals of the House, and as many other Things are neglected in the course of this Proceeding, we shall upon every Division which happened upon any Question, relating to the Affair in Hand, constantly set down the Names of the Persons who Voted for and against the Question.

For the said Question.

Col. *Maurice Moore*
 Mr. *James Castelaw*
 Mr. *Thomas Bryan*
 Mr. *John Brown*
 Mr. *Simon Alderson*
 Mr. *John Banbury*
 Mr. *John Starkey*
 Mr. *William Brice*
 Mr. *Edmund Smithwick*
 Mr. *William Gardiner*
 Mr. *Samuel Swann*
 Mr. *John Swann*
 Sir. *Rich Everard* Bar.
 Mr. *Arthur Mabson*
 Mr. *Samuel Sinclair*
 Mr. *William Bertram*

Against the Question.

Mr. *Thomas Loowick* Col-
 lector of Port *Beaufort*.
 Mr. *George Robers*
 Mr. *George Bould*
 Mr. *Benjamin Peyton*
 Mr. *Richard Rigby*
 Mr. *Joseph Tart*
 Mr. *John Blount*
 Col. *Benjamin Hill*
 Doct. *Abra Blackall*
 Deputy Post-Master.
 Mr. *James Cravin*
 Clerk of the Gen. Court
 Mr. *Walton*
 Col. *Macrora Scarbow*
 Mr. *Carruthers*

[7] For the Question

John Montgomery Esq; His

Majesty's Atty. Gen.

Mr. Joseph Sutton

Mr. Joshua Long

Against the Question.

Mr. James Sumner

Mr. Tho. Pendilton

Col. Tho. Hunter

Mr. David Bayly

Mr. William Relf

Mr. John Caron

Mr. Jacob Carrow

Mr. Leary

Mr. Thomas Louthier.

The Question thus carried against allowing Time till Saturday, the House was at last prevailed with to grant Time till Wednesday. Soon after the House adjourned, Sir *Richard Everard* and Mr. *Samuel Swann* waited upon the Speaker, with a List of the Persons, Records, and Papers which were wanting as Proofs of the Articles. Mr. Speaker declared after he had perused the Lists he could not, nor would not grant his Warrant for every Thing contained in the said Lists, but that he would for the Persons therein named, and that he would the next Day ask the Opinion of the House thereupon, and Mr. Speaker returned the Lists, which were the next Day laid before the House by Sir *Richard Everard*, as appears by the following Transcript of the Journals.

" Tuesday Feb. 12, 1739 Sir *Richard Everard* Bart gave in a
" List to this House of the following Persons necessary for Evidences,
" and pray'd they might be Summoned to make good the Articles
" against the Honourable *William Smith* Esq. Chief Justice, viz.
" *William Dudley* of Onslow County.

"*Cornelius Harnet*, Esq; Sheriff of *New Hanover* County.

[8] "*Samuel Bridgin* of *New Hanover*.

" *Rufus Marsden* Merchant in *Newton*.

" *Daniel Dunbibin* Merchant in *Newton*.

" *Mr. Benjamin Wheatly* of *New Hanover*.

" *Mr. John Smithers*, Dep. Sheriff of *New Hanover* County.

" *Thomas Morphy*

" *William Tunnielif*

" *Robert Pitts*

" *Robert Kirkland*

" *James Kieth*

} of *Craven* County

“ And also a List of Persons and Copies of Records wanting
 “ from *Bath, Bertie, Chowan and Edenton*, in the Articles of Ac-
 “ cusation of high Crimes and Misdemeanors against the Honorable
 “ *William Smith, Esq.* Chief Justice of *North Carolina*, to be sent
 “ for, by the Speaker’s Warrant, *Viz.*

“ Copies of the Venires and Pannels since Mr. *Smith* was Chief
 “ Justice, Copies of the four Writs for Executing the Criminals at
 “ *Edenton* signed by the Chief Justice, Copy of Mr. *Smith’s* Com-
 “ mission as Chief Justice, Copy of the Commissions of Grand Ses-
 “ sions, and Commissions *Si non Omnes*. (If any) Copy of the
 “ Record of Mr. *Dawson’s* contempt about *Trotter July 1737*. ditto
 “ concerning the Presentment of *John Boude, March 1736*. Diddo of
 “ *Robert Calahorn, Andrew Conner* and others at *Bath August 1739*.
 “ Copy of the Execution in the Case of *Bridgin* against *Fullwood*,
 “ ditto Copy of the Indictment against *Kelly* for forcible entry into
 “ Mr. *Anderson’s* Land, and Copies in the two Cases per *Anthony*
 “ *Booth*, ditto in the Case of *William Dudley*, against *William*
 “ *Crosby* for Assault, *Robert Forster, Esq. Joseph Anderson, Esq.*
 “ *Thomas Jones* Attorney at law, *Orlando Champion of Chowan*,
 “ *Robert Calahorn* and *Andrew Conner* of *Bath Town*, *James Kelly*
 “ of *Edenton*, *Anthony Booth* of Mr. *Duckenfield’s* Plantation in
 “ *Bertie* County, *William Macky* late of *Edenton* but now of *Bertie*
 “ County.

· The House notwithstanding the List given in as a [9] foresaid, gave no other Directions to Mr. Speaker concerning the same, nor does any Order of that Day appear upon the Journal concerning them, neither did Mr. Speaker deliver his Warrant for any of the Persons, Records or Papers mentioned in those Lists, until Wednesday the Day appointed for Exhibiting the Articles. And then only for some of the Persons desired, and not for any Papers or Records, notwithstanding the repeated Applications to him for the same.

It cannot be deny’d that the whole Conduct of the Speaker was such as plainly shewed how much he was interested in the safety of Mr. Chief Justice at that Time, tho’ he has heretofore more than once deceived, betray’d, and by solemn Oath has conspir’d with others, (*per fac et nesas*) to destroy the said Chief Justice, notwithstanding at that very Juncture he was receiving distinguishing Marks of that Gentleman’s grace and favour; Mr. Speaker’s Warrant I have men-

tioned (an exact Copy of which is hereafter Inserted) is attended with a remarkable Circumstance as to it's Date, it being dated *Feb.* 10th 1739, the Day before Mr. *Peyton's* Motion; and consequently before any Charge against the Chief Justice was moved for in the House, the Preamble of the Warrant suggests that was granted the very Day the Charge of high Crimes and Misdemeanors against the Chief Justice was moved in the House, by Sir. *Richard Everard* and Mr. *Samuel Swann*; whereas in fact, the said Charge was made on Monday the 11th of *Feb* and not on Sunday the 10th as the Speaker in his Warrant wou'd suggest, neither was the Warrant (notwithstanding it's Date,) ever seen by any of the Gentlemen who were for the Articles, until Wednesday the 13th, the very same Time the Articles were exhibited to the House, when Mr. Speaker delivered that Warrant; and another unsigned Warrant, for some Persons in *Craven* County to the House, which Warrants were directed to no Person.

North-Carolina, ss. Whereas Sir *Richard Everard*, Baronet, and ' Mr. *Samuel Swann* have the Day of the Date hercof before this ' House, charged the Hon. [10] *William Smith*, Esq; Chief Justice ' of this Province, with high Crimes and Misdemeanors, and have ' in order to make good their said Charge moved this House, that the ' Speaker Issue his Warrant to Summons Persons &c These are ' therefore to Will, Require, and Command you to Summons *William Dudley* of *Onslow* County, *Cornelius Harnett* Esq; Sheriff of ' *New Hanover* County, *Samuel Brigdin* of *New-Hanover*, Gentle- ' man, *Rufus Marsden* and *Daniel Dunbibin* Merchants of *Newton*, ' Mr. *Benjamin Wheatly* of *New Hanover*, *John Smithers* Deputy ' Sheriff of *New Hanover*, to attend this House on Wednesday next ' the thirteenth Instant at *Newbern*. Herein fail not at your Peril, ' and for so doing this shall be your Warrant. Given under my ' Hand at *Newbern* the Tenth Day of *Feb* 1739. By Order.

John Hodgson, Speaker.

' To

Upon reading this Warrant, would any Man alive imagine *New Hanover* County, to be One Hundred Miles from *Newbern*, and the Persons within that Warrant contained to, live at so great a distance from *Newbern*, as in fact they do? Is it not wonderfully consistent with honour and uprightness of the House of Burgesses, to

compel Gentlemen to accuse the Chief Justice of high Crimes and Misdemeanors in the Administration of his Office; and then to limit them to the space of three Days, to prepare and exhibit Articles which contained ten Sheets of Paper; and to prevent them as far as was in their Power, from obtaining one Proof to support their Charge, by their obstinate Resolution of having the Articles the very Day they were exhibited, to be fully and substantially proved, they declared they wou'd not be satisfied with such Proof, as would be sufficient to induce a Grand Jury to find a *Billa Vera* upon an Indictment, because they were confident that such Evidence, notwithstanding all obstacles cou'd be produced, but wou'd have such Evidence as should be sufficient for a petit Jury to Convict upon, which they imagined as Circumstances [11] then stood with the Gentlemen who produced the Articles, were not to be had, tho' many of them afterwards owned that they were perswaded if Time had been allowed, such Evidence cou'd have been produced to have supported the Charge; nay the Gentlemen of that side the Question have made further discoveries of the Motives which induced them to such unaccountable Conduct, as shall be shewn in it's proper Place. Take the whole Affair relating to summoning Evidences, and to produce Records and Papers before the House, to support the high and heinous Accusations exhibited against the Chief Justice, and consider it in all it's Progressions, Mr. Speaker's Conduct in relation to the Warrants, the Order of the House of *Feb.* 11th, two Days before the Exhibition of the Articles, for Mr. Speaker to Issue his Warrants to bring Persons, Papers and Records before the House, that Order intimates Time for such Things to be done in; Mr. Speaker's Warrant commands Persons to be summoned to appear before the House on Wednesday, who most of them lived upwards of one Hundred Miles from the Place where the Assembly sat, and supposing the Date of that Warrant to be right; and a Messenger immediately posted away to Execute it, was there a possibility of performing that Service within the Time expressed in that Warrant? No one will presume there was. But from the Time Mr. Speaker produced his Warrant to the Time the Articles were exhibited to the House, no Man cou'd have gone one Mile. The Gentlemen accusers of the Chief Justice were ordered to lay before the House Articles for that purpose on Wednesday the 13, but no Part of the Order directed the Articles to be then proved, nor

could any one in his Senses imagine it was intended; the very Order plainly intimates the contrary, it directs that the Speaker Issue his Warrant for Persons, Records and Papers, to make good the said Charge; the House thereby granted Time for such Proofs; and by what Art and Management, they were perswaded afterwards to insist upon Proof on Wednesday, shall appear before we leave this Subject.

[12] “Wednesday 13. 1739. Sir *Richard Everard* pursuant to his Motion of Monday last, laid before this House the several Articles against the Hon. *William Smith*, Esq; Chief Justice; which he read in his Place, as follows, *Viz.*

“ To his Excellency *Gabriel Johnston*, Esq; Governor and Commander in Chief of His Majesty’s Province of *North Carolina* in Council.

“ Articles of Complaint against *William Smith*, Esq; Chief Justice of the Province of *North Carolina* by the General Assembly of the said Province, as well in their own Name, as for and in the Name and on the behalf of all His Majesty’s Leige People of this Province for divers high Crimes and Misdemeanors done and committed by him the said *William Smith* in the Execution of his said Office.

1 “ That he the said *William Smith* at sundry Times since his Admission into the said Office of Chief Justice, hath endeavour’d in a most violent, arbitrary and illegal Manner, to subvert the Laws both of *Great Britain* and this Province, made for the preservation of the Lives, Liberties and Estates of His Majesty’s Leige Subjects living and residing within the same. And also by divers others illegal, violent and abitrary Proceedings, doth frequently disturb the Peace and good Order of this His Majesty’s Government; and all these Things he hath openly and avowedly declared, acted and done, not only in Words, but premedately and deliberately, in his Opinions, Judgment, Practices, and Actions contrary to his Duty, and in manifest Violation of his Oaths, and Breach and Derogation of the great and high Trust reposed in him

2 “ And the said General Assembly do more particularly and expresly Charge that by an Act of the General Assembly of this Province passed the 23d Day of *June* 1723 entitled, An Act to provide indifferent Jurymen in all Cases civil and criminal, it is

Enacted among other Things, that all Jurors should be drawn [13] by balloting according to the Method and Rules by the Act prescribed, and that no Person should be a Juryman but such whose Names were written in the List thereunto annexed, or such as should then after be added by Authority of Assembly; and every Judge, Justice, and Officer of the said General Court is required to take an Oath for the due observance of the said Act, and the Penalty of *One Hundred Pounds* thereby annexed for each default, in non observance of the same, as by the said Act, to which they refer, doth more fully appear; and the said Act hath been strictly observed and put in Execution by all the Justices of the General Court of this Province from the Time of it's passing until the said *William Smith* acted as Chief Justice. That pursuant to said Act, the said *William Smith* Chief Justice, upon his entering into the said Office took the Oath thereby enjoined for the due Observance of the said Act: Nevertheless the said Chief Justice having no Regard to the said Act, nor to his solemn Oath which he took on the Holy Evangelist of Almighty God for the due Observance thereof, nor to the Penalty thereby inflicted for each default for Non-observance of the same, hath for divers Years last past in manifest and open Violation of the said Act, and by, and of his own mere Will, contrary to the Practice of all former Justices, caused Jurors to be summoned by Venire, without ever drawing the said Jurors or any of them by way of Lot or Ballot, either before the Venire issued, or after the Jurors were Summoned, returned and appeared, as by the said Act is required, by Means of which illegal Proceeding of the said Chief Justice; all the Care taken by the Legislature for preventing Corruptions of Officers in packing of Jurors, are entirely obstructed and defeated. Divers Criminals have been illegally convicted, condemned and Executed. All Judgments in civil Cases after Verdict liable to be reversed, and the Lives, Liberties, Properties, and Estates of His Majesty's Subjects in this Province continually exposed to much Hazard and Danger.

[14] 3. "That the said Chief Justice being appointed by his Excellency's Commission of the 29th of *July* last to hold several Courts of Assizes, Oyer and Terminer, and General Goal delivery, at the several Towns of *Bath*, *Newbern*, and *Newton*, held all the said Courts accordingly at the several Times appointed, but never took any Oath for the due Execution of the said Commission, nor the

Oaths to His Majesty at any Time since the Issuing the said Commission as by Law required, tho' it is now many Months since. Thus sometimes neither regarding the Oaths he has taken, nor the Statutes enjoining the Oaths to be taken, nor the Penalty of *Five Hundred Pounds* Sterling thereby inflicted for not taking the same.

4 " That the said Chief Justice assuming to himself an equal Power and Authority with His Majesty's Ancient Court of King's Bench at *Westminster*, when Criminals are convicted of capital Offenses without waiting for any Warrant from the Governor or Commander in Chief for the Time being, doth cause Execution to be done on the Bodies of such Offenders by his own Orders and Rules of Court and Precept, thereby depriving his Excellency the Governor of all Opportunities of showing His Majesty's Grace and Pardon, to such Persons as might happen to be real Objects of Mercy and which your Excellency is impower'd to do by His most gracious Commission and Instructions.

5. " That one *John Powel* at a Court of Grand Sessions held at *Edenton* the last Tuesday in *July* 1736 being Convicted of Murther in poisoning his Wife, Sentence of Death was awarded against him, and he was accordingly hung up by the Neck at the usual Place of Execution, but the said Chief Justice having caused him to be cut down while he was yet alive, soon afterwards, notwithstanding Judgment, and in Part executed as above said, and without ever any Pardon being granted to said *Powel*; did constitute and appoint the said *Powel* to be Cryer of the General Court at *Edenton*; and he continued to hold the said Office till *July* last.

[15] 6. "And for as much as by the Great Charter passed of King *Henry* Third, and at divers Times since confirmed, its among other Things Ordained, that a Freeman shall not be Amerced for a small Fault, but after the manner of the Fault: Yet the said Chief Justice hath on the most trivial and light Occasions, contrary to the said Charter, and divers other the Laws of the Kingdom of *Great Britain*, frequently imposed excessive Fines on divers of His Majesty's good Subjects in the Province, in no wise adequate to the Offence, and Imprisoned them till the same were paid, and that in a most illegal and arbitrary Manner, without any Bill of Indictment found, or Information fil'd, by His Majesty's Attorney General, or any due Process or Trial at Law, or the Parties ever being legally convicted of such Offences by the Oath of twelve Jurors, contrary like

wise to the Statute of *Magna Charta*, which expressly enjoins that no Man shall be taken, imprison'd or condemn'd but by lawful Judgment of his Peers, or by the Law of the Land, and this some Times, under pretence, that such Offences were Contempts of Court; altho' the said General Assembly are inform'd that the Offences for which the said Persons were so illegally Fined and Imprisoned were in themselves no Crimes or Offences that could subject the Parties to any Criminal Prosecutions, and that if they were so, they were not committed in the Presence, or within View of the said Court, or against the process of the same; and the said General Assembly in further Maintainance of their Allegations above said, do expressly Charge that one *John Dawson* a Member of the General Assembly, being summoned to serve as Petit Juryman at the General Court held at *Edenton* the last Tuesday in *July* 1737, by one *James Trotter* a common Bailif or Deputy Marshal, told the said Deputy Marshaal that he need not have given himself the trouble, for that he had been summoned already, or was obliged to attend, whereupon the said *Trotter* told the said *Dawson*, that he need not expect any Favour from him, the said *Dawson* reply'd he did not, and further [16] told the said *Trotter*, that if he the said *Trotter* had any Trump Cards in his Hand, to play them for he (meaning himself) might chance one Time or other to get *Jack* and *Ace* in his Hand, and should make Use of them; and the said Chief Justice being informed of the said *Dawson's* having spoken and uttered such Words out of Court, the Court being then adjourned, did the next Day without any legal Tryal set a Fine on the said *Dawson* of *Ten Pounds* Proclamation Money, and ordered him to be Committed to Goal without Bail or Mainprise till he should pay the same, and to find good Security for his the said *Dawson's* good Behaviour for a Year and a Day, as by Record, Minutes, or Docket of the same Court doth appear; and the said *Dawson* after having lain about five Days in Gaol paid the said *Ten Pounds* Proclamation Money, or Value thereof accordingly: Altho' the said General Assembly do conceive that the Words so spoken are frivolous and senceless, and in Case any Indictment had been prefer'd against the said *Dawson* for the same, they cou'd not by the most far fetched Innuendo have been strained to Mean or Signify any Thing, and was a very small Fault, if any, nor can the same be any Ways deemed (as they conceive) to be a Contempt offered to the Court

7 "That the said Chief Justice at a Court of Oyer and Terminer held at *Newbern* the first Tuesday in *September* 1739, did set a Fine upon one *John Bryan* one of His Majesty's Justices of the Peace for the County of *Craven*, of *Ten Pounds* Proclamation Money for a supposed Misdemeanor, without ever the said *Bryan's* being called to Answer the same, either by Presentment, Indictment, or any due Process of Law whatsoever; and when one Mr. *Heritage* an Attorney moved the said Chief Justice, that he would be pleased at least to send for the said *Bryan* to know if he had any Thing to say, the said Chief Justice refused it, saying, do you know my Sentiments Sir, better than I do my self? I Fine him the said *Bryan Ten Pounds* Proclamation Money, to enlighten the Gentleman's [17] Understanding, and did afterwards issue Process accordingly, and levied the Sum of *Seventy five Pounds* this Currency on the said *Bryan*.

8. " The said General Assembly further Charge and Alledge that by An Act entitled An Act concerning Fees and Officers, pass'd the 19 of *October* 1722 they did Provide and Establish sufficient Fees for the Support and Dignity of the said Office of Chief Justice; and by another Act entitled An Act to ascertain Officers Fees pass'd before that Time (to wit) the 19th Day of *January* 1715, they did likewise provide sufficient Fees for the Maintenance and Support of a Clerk of the said Court, notwithstanding which the said General Assembly do expressly Charge that the said *William Smith* Chief Justice, hath oft Times in a most illegal and arbitrary Manner, extorted from divers of His Majesty's Subjects within this Colony, most extravagant and exorbitant Fees, where no Fees are at all due by Law, and at other Times doth exact and extort from His said Majesty's Subjects much greater Fees than ever were allowed or established, in manifest violation and defiance of the several Acts of Assembly made for ascertaining of Officers Fees, and to the grievous Oppression of His Majesty's Subjects; and the said General Assembly in further Maintenance of this their Charge, do particularly and expressly Charge and Alledge that one *James Kelly* sometime in the Month of *March* 1739 at the General Court held at *Edenton*, being indicted for a forcible entry into the Lands and Tenements of *Joseph Anderson*, Mr. *Vernon* Attorney for the Defendant moved to quash the Indictment for some Defect found therein, and the said Indictment was quashed by the said Chief Justice accordingly, nevertheless the

said Chief Justice issued an Execution for *Twenty two Pounds ten Shillings* Proclamation Money for Fees pretended by him to be due on the said Indictment, altho' there were no Fees whatsoever due on that Account that the said General Assembly ever knew or heard of, save *Fifty Shillings* to the Attorney General, and *three Shillings* and *six Pence* to the Clerk of the Crown. [18] And the said General Assembly further Charge that one *John Boude* Gentleman, at a General Court held at *Edenton* the last Tuesday in *March* 1736 was presented for being the Father of a Bastard Child; but it appearing to the Court that the said *Boude* had comply'd with the Laws of this Province by indemnifying the Parish, and paying the Fine by Law inflicted there were no further Proceedings had upon the said Presentment, nevertheless the said *William Smith*, Chief Justice did then exact and extort from the said *Boude*, *Twenty-six Pounds* odd *Shillings* current Bills of the said Province, for Fees pretended to be due on such a bare Presentment, altho' in Truth there are no Fees due to the said Chief Justice on any such Account, as they conceive; that the said Chief Justice where one Indictment has been brought for a Riot against divers, doth exact and extort from each Defendant the whole Fees pretended to be due to him on the said Indictment, and tho' the whole Fees he pretended to Claim for himself and Clerk, is as he says, *Twenty two Pounds Eight Shillings*, yet the said Chief Justice exacts *Twenty-two Pounds Eight Shillings* from each Defendant, altho' in Truth there is not one *Penny* due to the Chief Justice, and but *Six Shillings* to the Clerk; and the said General Assembly do particularly Charge that the said Chief Justice at a Court of Oyer and Terminer held at *Bath Town* in *August* last upon an Indictment for a Riot against *Andrew Conner*, *Robert Calahorn* and others, did exact and extort from each of the Defendants *Conner* and *Calahorn* *Twenty two Pounds Eight Shillings*, and Process upon the same Indictment Issued against others for the like Sum, so that each Defendant is made chargeable with the whole *Twenty two Pounds Eight Shillings*, altho' as they are ready to prove, there are no Fees whatsoever due or allowed to the Chief Justice in Criminal Cases, but he takes and exacts the same, and what he thinks fit of his own mere arbitrary Will.

9 “ And the said Assembly in further Maintenance of that Part of this general Charge against the [19] said Chief Justice for ex-

acting and extorting more and greater Fees than ever were established and allowed by Law, do particularly Charge and Allege that one *Anthony Booth* being Indebted to _____ in the sum of *Two Pounds Five Shillings*, and to one _____ in the Sum of *Two Pounds Ten Shillings*, both this Country Currency, sometime in the Month of _____ 173 .

The said Chief Justice sent two Executions against the said Defendant for *Seventy Pounds* and upwards, including the said original Debts, which both together made but *Four Pounds Fifteen Shillings*, and the Defendant having no Money to satisfy for the said Debts and Fees, was obliged to deliver to the Marshal four Thousand Pounds of good fresh Beef in satisfaction of the Debts and Charges aforesaid, tho' the said Beef at that Time was worth *One Hundred and Twenty Pounds* computed at *Three Pounds* each Hundred weight.

10. " That whenever any Capias Issues, altho' the Defendant be never Arrested or Summoned, and without the Defendant being made Party in Court by giving Bail, or Appearance otherwise; yet nevertheless the said Chief Justice doth exact and extort from every Plaintiff the Sum of *Six Pounds* Current Money of this Province, for Fees pretended to be due to himself and Clerk, whereas in Truth the whole Fees due to himself and Clerk do amount to no more than *Twenty Shillings* and *seven Pence*, as appears by the said Acts, for ascertaining Officers Fees, and which according to the said Chief Justice's own Estimation of taking four for one for the difference of the Value of Money at that Time the Fees were first settled, could amount to no more than *Two Pounds two Shillings* and *four Pence*; and the said Chief Justice doth *Ex Officio* most frequently issue a *Fieri Facias Capias ad Satisfaciendum*, as he sees fit, without the Knowledge of, or Request made to him either by Plaintiff or Defendant or either of their Attorneys: And the said General Assembly do particularly Charge that one *Samuel Bridgin*, sometime before *October* General Court 1738, took out a Writ against one *Thomas Fulwood*, but the Matter being [20] made up between them, he proceeded no further therein, nor was any Declaration fil'd against the Defendant, yet the said Chief Justice did exact and extort from the said *Bridgin* the Sum of *four Pounds eight Shillings* and *three Pence* Proclamation Money for Fees pretended to be due to himself and Clerk, altho' in Truth the

whole Fees for the said Writ according to the Fee-Act could amount but to *ten Shillings and seven Pence* Proclamation Money; and the said Chief Justice without any request made by the Defendant or his Attorney under pretence of a *non pros* before any such judgment on a *Non Pros* was ever entered upon Record against him, did issue an Execution against the Plaintiff for the said *four Pounds eight Shillings and three Pence* Proclamation Money, and the Plaintiff paid the Sum of *seventeen Pounds thirteen Shillings* this Currency, altho' computing four for one according to the Chief Justice's own Method of Computation, the whole Fees for the said Writ could amount to but *two Pounds two Shillings and four Pence*, that the Plaintiff on Payment of the said *seventeen Pounds thirteen Shillings*, had the Execution deliver'd up to him by the Marshal, which Execution he has ready to produce. That sometime after the said Chief Justice on his own mere Motion, issued another Execution against the Plaintiff in the same Cause, for the like Sum of *four Pounds eight Shillings and three Pence* Proclamation Money, for which the Plaintiff paid a second Time the like Sum of *seventeen Pounds thirteen Shillings*, and took Mr. *James Craven* the Chief Justice's Clerk his Receipt for the same, as appears by the Receipt ready to be produced; and the said General Assembly are ready to produce many Instances of the like kind, not only of the said Chief Justice his exacting four Times more than his the said Chief Justice's real due, but also of his issuing Executions over again, for the same Fees, after the same have been really paid sometimes to his Clerk, and at other Times into the said Chief Justice's Hand.

11. " That the said Chief Justice the better to colour his illegal Proceedings, doth always issue his Executions [21] on his suppos'd *non pros's* in this Form (*mutatis mutandis*) *North Carolina ss. George the Second by the Grace of God of Great Britian, &c.* To the Provost Marshal of our said Province. Greeting. " We Command you to take *Samuel Bridgin* of *Cape Fear*, so that you have him before our Justices at our next General Court to be holden for our said Province at the Court-House at *Edenton* on the last Tuesday in *March* next, to satisfy *four Pounds eight Shillings and three Pence* Proclamation Money, which in our said Court on the last Tuesday in *October* last was Adjudged and Taxed for his Cost in his Suit against *Thomas Fullwood*, wherein he I would no further

prosecute, whereof he is Convicted and have you then and there this Writ with your own Fees. Witness *William Smith*, Esq; our Chief Justice of our said Province at *Edenton* the 15th Day of *November*, *Annoque Domini* 1738, *W. Smith*” Whereby the said Chief Justice doth artfully avoid saying to satisfy to the said *Thomas Fullwood*, because in truth the said Defendant *Thomas Fullwood*, who is supposed to apply for this *non pros*, is to have no Part of them paid to him, to reimburse him the Fees he hath paid his Attorney; for the Chief Justice keeps all to himself; yet in the other Part of the Execution, it seems as if such Fees belonged to the Defendant, by saying for his Costs in his suit against *Thomas Fullwood*, but there is no Antecedent to be found in the Relative, *his*, in all the precedent Part of the Writ, unless it be *Samuel Bridgin* the Plaintiff, and it cannot be presumed that *Samuel Bridgin* should be taken into Custody to satisfy *Samuel Bridgin*. And the General Assembly do not take Occasion to criticise on this Proceeding for want of due Form, or as a jeosail, slip, or mistake of the Clerk, but it is contrived on set purpose by the said Chief Justice to colour his own illegal Exactions under pretence of doing Justice to the Defendant, who at the same Time never receives any Part of these Fees, and over and besides this, the Chief Justice takes *eleven Shillings* and *three Pence* Proclamation Money, for Fees for Execution on [22] this *non pros* for himself and Clerk, tho’ there is but *five Shillings* and *six Pence* due to both and no more; in which particular Fee they conceive the Chief Justice is very modest, exacting very little more than Cent per Cent more than is due.

12. “ That sometime in *December* 1734 one *William Dudley* apply’d to the said Chief Justice for a Warrant against one *William Crosby* for an Assault, which the said Chief Justice, granted without demanding any Fee, nevertheless the said Chief Justice by a certain Act entitled An Act for reviving An Act entitled an additional Act to the Act for Tryal of small and mean Causes, having procured himself to be invested with the same Power as two Justices of the Peace for trying small and mean Causes, the said Chief Justice without ever demanding any Fee of the said *Dudley* for the said Warrant, or summoning him to shew Cause why he did not pay it, issued an Execution against the said *Dudley* for *eight Pounds seventeen Shillings* and *six Pence* pretended to be due to him for the Fees of the Warrant, altho’ at the said General Assembly ap-

prehended there is but *ten Shillings* this Currency due to the said Chief Justice for the said Warrant.

13. “ That the said Chief Justice doth contrary to the Duty of his Office execute an *Officium merum et promotum* and doth instigate, promote, prosecute and carry on divers Suits and Prosecutions both civil and criminal Causes against such Persons who have any ways offended him in opposing his violent and arbitrary Measures, and the said General Assembly in Maintenance and Support of this their Charge, do particularly Charge and Alledge that Sir *Richard Everard* Baronet, Son of *Sir Richard Everard* Baronet, heretofore Governor of this Province, being a Member of the General Assembly, and having frequently mentioned and taken notice of the illegal and arbitrary Proceeding of the said Chief Justice, the said Chief Justice sometime in the Month of *June* 1738, did fill up, or cause to be fill’d up a Writ of *Capias* against the said Sir *Richard Everard*, Baronet, by the Chief Justice [23]* *philus Pugh* of *Nancemon* in *Virginia* Merchant, without the Order or Knowledge of the said *Pugh* or his Attorney, the Chief Justice having before threatened the said Sir *Richard Everard*.

14. “That one *James Castelaw* a Member of the General Assembly, and now one of the Justices of *Bertie* Court, being in Company with the said Chief Justice on the 27th Day of *July* 1737 and the said *Castelaw* having been from Time to Time made acquainted with the violent, and arbitrary Proceedings of the said Chief Justice, did in freedom tell him the said Chief Justice that the many Hardships and Grievances the People of the Province labour’d under, wou’d at length put them either under a necessity of rebelling and running away, and leaving all their Lands and Houses behind them; whereupon the said Chief Justice in a violent Passion said, and swore by God, I wish you wou’d that is what we want; thereby intimating that he wou’d be glad to see the People drove to such Extremities as to quit their Estates or forfeit the same for Treason, which indeed as they conceive wou’d be no small Advantage and Benefit to the Chief Justice.

15 “ That the Chief Justice is a Person of a most violent, passionate, and revengeful Temper and Behaviour, and instead of endeavouring to curb or restrain his Passions, does on all Occasions give the utmost loose to such his Passions, and doth frequently and

*A line is here missing.

most outrageously Insult and Abuse divers Persons of Credit and Distruction with most opprobrious Names, and abusive Language, as well in open Court sitting in the Seat of Justice, as without; and the said General Assembly do particularly Charge that one *Arthur Mabson* being a Member of the General Assembly, at a General Court held at *Edenton* on the last Tuesday in *July* 1739, had Articles exhibited against him for a certain Contempt offered to the said Court by the said *Mabson*, but the said *Mabson* appearing and being examined was found by the said Chief Justice to be no ways Guilty of any Contempt [24] whatsoever, and was accordingly acquitted by the said Chief Justice, whereupon the said *Mabson* being fairly acquitted of the said Contempt as abovesaid scrupled to pay the Fees of the Court, and a dispute between the Attorneys arising, whether the said *Mabson* ought to pay Costs, the said Chief Justice without any Affront or Indignity offer'd to him by the said *Mabson*, did in a most violent manner Villify and Abuse the said *Mabson*, calling him Rogue, Villian, notorious Rogue, and treacherous Villian, altho' the said *Mabson* is well known to be a worthy Man, a Person of very good Repute, and a Man of a good Estate.

16. " That the said *William Smith* having been advanced to be Chief Justice of this Province and President of His Majesty's Council, ought to be a Person of Virtue, and of a discreat, sober and grave Conversation, giving good example to others, & to Demean himself according to the Dignity of his Office, yet nevertheless the said Chief Justice by the notorious Immorality of his Life, and his constant prophane Cursing and Swearing, doth daily offer indignity to Almighty God, and give just Occasion of great Scandal and Offence.

17. " That all the Articles foregoing are only a few Instances out of many of the said Chief Justice his violent, illegal and arbitrary Proceedings, for his Exactions and Extortions are more burthensome than the General Tax of the whole Province, every Corner of the Country is fill'd with his Oppressions, and all the People cry aloud for Justice from your Excellency's Hands.

" And the said General Assembly do most humbly pray your Excellency that the said Chief Justice may be immediately put to Answer all and singular the said Articles of Complaint, and that a reasonable Time during this present Sessions of Assembly,

may be appointed by your Excellency for the said General Assembly to make good their said several Charges against the said Chief Justice, and that if the said Chief Justice shall confess the same or be found Guilty thereof, [25] that then your Excellency will be pleased to cause the said Chief Justice to be immediately and from thenceforth suspended from all his Offices and Employments, until His Majesty's Pleasure be farther known thereupon, and in so doing, your Excellency will remove him who has been the Source, Spring, and chief Author of most of the Differences and Disturbances which have happened in Government since your Excellency's arrival, do a most exemplary Piece of Justice both to the King and People, and restore Peace and Tranquility to the Province.

“ The General Assembly do further most humbly Request your Excellency that the said Chief Justice be in the mean Time sequestered from the Council Board pending the Debate and Examination of the said Articles, it being (as they conceive) contrary to natural Right and Justice that any Person should set and Vote in his own Case.

“ And the said General Assembly by Protection reserving to themselves the Liberty of exhibiting at any Time hereafter any other and further Articles of Complaint against the said Chief Justice, and of replying to any Answers, that he shall make thereon, and offering Proofs of the Premises, and to any other Articles to be by them hereafter exhibited against him, and of further explaining themselves upon all and every the same Articles of Complaint if need require.

After reading the said Articles the House resolved itself into a Committee of the whole House, to Debate on the said Articles, unanimously chose Mr. *Thomas Hunter* Chairman. “ Mr. Speaker moved, and was seconded by Mr. *Benjamin Hill*, that the Articles exhibited against the Honourable *William Smith*, Esq; Chief Justice might be Debated, and that the Proofs of the same be produced immediately that the House might resolve whither the Articles exhibited are sufficiently proved to this House, for this House to Impeach the Chief Justice.

“ To which Mr. *Samuel Swann* objected, and was seconded by Sir *Richard Everard*.

[26] And it was put to the Vote, and carried in the Affirmative of a Majority of ten Voices.” Thus far the Journal in forms us.

I shall add the Names of the Persons for and against the Speaker's Motion, which being very dark and unintelligible, I shall endeavour presently to Explain.

For the Speaker's Motion

<i>John Hodgons</i> , Esq Speak.	Mr. <i>James Craven</i> , Clerk of
Mr. <i>Tho. Lovick</i> Collect of	the General Court.
Port <i>Beaufort</i>	Mr. <i>Walton</i>
Mr. <i>George Roberts</i>	Col. <i>Macrora Scarborough</i>
Mr. <i>George Bould</i>	Mr. <i>James Sumner</i>
Col. <i>Benjamin Peyton</i>	Col. <i>Thomas Hunter</i>
Mr. <i>Richard Rigby</i>	Mr. <i>Carruthers</i>
Mr. <i>Joseph Tart</i>	Mr. <i>Thomas Pendilton</i>
Col. <i>Benjamin Hill</i>	Mr. <i>David Bayley</i>
Mr. <i>John Blount</i>	Mr. <i>William Relf</i>
Doct. <i>Abraham Blakal</i> ,	Mr. <i>John Caron</i>
Deputy Post Master.	Mr. <i>Jacob Caron</i>
Mr. <i>Leary</i>	Mr. <i>Joseph Sutton</i>
Mr. <i>Thomas Lowther</i>	Mr. <i>Joshua Long</i> .
Mr. <i>William Bestram</i>	

Against the Speaker's Motion

Col. <i>Maurice Moore</i>	Mr. <i>William Gardnier</i>
Mr. <i>James Castelaw</i>	Mr. <i>Samuel Swann</i>
Mr. <i>Thomas Bryan</i>	Mr. <i>John Swann</i>
Mr. <i>John Brown</i>	Sir <i>Rich Everard</i> , Bar.
Mr. <i>Simon Anderson</i>	Mr. <i>Arthur Mabson</i>
Mr. <i>John Banbury</i>	Mr. <i>Samuel Sinclair</i>
Mr. <i>John Starkey</i>	<i>John Montgomery Esq</i> ; His
Mr. <i>William Brice</i>	Majesty's Attorney General.
Mr. <i>Edmund Smithwick</i>	

Could any Thing be more absurd to say no worse than this Motion of the Speaker's, or more retrograde to the Sense of the House, if we may judge of their Sense from their Journals, he is directed by them to issue his Warrant to bring before the House, Persons, Papers, [27] and Records, which he refused, and neglected to do, and yet this Gentleman and his worthy Friend Col. *Benjamin Hill* call for Proofs the Moment the Articles were read, and such Proofs too, as he said, should be sufficient to induce the House to Impeach

the said Chief Justice, the first Words of an Impeachment mentioned in that House is from Mr. Speaker. The Articles exhibited against the Chief Justice were not Articles of Impeachment, they were Articles of Complaint for high Crimes and Misdemeanors committed by him in the Execution of his Office, the Gentlemen who exhibited them are still of Opinion they had sufficient cause to Complain of that Gentleman's Conduct in his Office, his past Actions and Behaviour in that Station (as they thought) had rendered the Lives, Liberties and Fortunes of his Majesty's Subjects in this Province, very precarious, they were certain the Facts alledged by them in their Articles were strictly true, and they never imagined that the Representative Body of the whole Province, would have laid them under any difficulties as to Time, and if the Chief Justice by his own Management, and the scandalous Arts of his Friends, is continued in that Station, and shall hereafter deviate from Law and his Duty, and oppress his Majesty's Subjects of this Colony, it is those Gentlemen are to Answer for it, who were deluded by the Artifices of him and his Friends, or were corrupted by more substantial Motives from their Duty to the Public to prevent an impartial Enquiry into his Conduct.

And what hopes are to be conceived of that Gentleman's future Uprightness and Integrity in that Station may be easily determined, by considering the Nature of the Articles, and the Proofs brought to support them. The whole Conduct of Mr. Speaker and the rest of the Chief Justices Friend's, was calculated only to give Mr. *Smith's* Case a favourable Complection. Should it go home against him, they foresaw that an absolute refusal of Enquiry into his Conduct wou'd not be prudent, and to suffer a strict Enquiry into it would be attended with great Danger to him; in such a [28] nice Affair, they thought the best Steps that could be taken was to call for the Articles when the Gentlemen engaged in that Affair were least aware of it, and to limit them as to Time, that they might fall short in their Proofs, Things would then look (they imagined) with a favourable Aspect, if they should be laid against Mr. *Smith* at home, no Body there might be acquainted with the little Circumstances attending the Affair, such as the Management of the several Elections, and of the Members afterwards, the Behaviour of the Speaker, and the distance of the Evidences from *Newbern*, and the scanty Allowance of Time to prepare and prove Articles of so great Concern and Im-

portance to the Publick. Mr. *John Blount* moved that before the Articles were Proceeded upon the House might be cleared; to which Col. *Maurice Moore* objected saying that as the Proceedings of this Day being of the greatest Consequence to the Province, he could wish all the Inhabitants of the same were present to be Eye and Ear Witnesses of the Conduct of their Representatives, that they might be satisfied who were Friends and who Enemies to their Country, for which Reason he insisted the Doors might remain open, and that whoever pleas'd might come into the House, and hear the Debates, upon which the Door was left open. I shall now return to the Journal.

" Then Sir *Richard Everard* Proceeded to Proof as follows,
 " 1st to the 7th Article, and produced Mr. *John Bryan* and Mr.
 " *William Herriage* Evidences to Support the said Article, and
 " then moved for the Opinion of the House whether the said Ar-
 " ticle was proved sufficient to Impeach the said Chief Justice with
 " the same. Mr. Speaker objected to the said Motion, and moved
 " they might go through the Evidence of the whole Charge, and
 " was seconded by Mr. *Blackall*: Which was put to the Vote and
 " carried in the Affirmative." Thus far from the Journal.

[29]

For the Speaker's Motion.

John Hodgson, Esq; Speak.Col. *Macrora Scarbrough*Mr. *Tho. Lovick*, Colector of
Port *Beaufort*.Mr. *Carruthers*Mr. *George Roberts*Mr. *Tho. Pendilton*Mr. *George Bould*Mr. *David Bayley*Mr. *Richard Rigby*Mr. *William Relf*Col. *Benjamin Peyton*Mr. *John Caron*Col. *Benjamin Hill*Mr. *Jacob Caron*Mr. *John Blount*Mr. *Leary*Doct. *Abraham Blackall* Deputy
Post Master.Mr. *Thomas Lowther*Mr. *Joseph Sutton*Mr. *Joshua Long*Mr. *James Craven*, Clerk of the
General Court.

Against the Speaker's Motion

Col. *Maurice Moore**James Castellaw*Mr. *Theo. Bryan*Mr. *John Brown*Mr. *Simon Alderson*Mr. *John Banbury*Mr. *John Starkey*Mr. *William Brice*Mr. *Edmund Smithwick*Mr. *William Gardiner*Mr. *Arthur Mabson*Mr. *Samuel Swann*Mr. *John Swann*Sir. *Rich Everard*, Bart.Mr. *Samuel Sinclair*Mr. *James Sumner*Mr. *Walton*Mr. *Joseph Tart*Mr. *William Bartram**John Montgomery*, Esq; His

Majesty's Attorney General.

It is necessary here to mention two Points of no small Consequence to the Articles, which were determined by the House with dividing, and of which no mention is made in the Journals, the first was a Motion of Sir *Richard Everard's* to the House, seconded by Mr. *Swann*, that the Evidence which should be produced against the Chief Justice might be taken in writing, which was bore down by so great a Majority, that the Gentlemen who proposed the Question did not think proper to call for a Division upon it, the other was a Motion made to alter the Method of voting in the House, that upon any Question, the Names of the Members for and against the Question [30] might be taken in writing, which was also refused by the House; these two Motions being determined as aforesaid, the Gentlemen who were for the Articles were under a necessity to take Minutes of the Examinations of the Evidences themselves, and it is from those Minutes that the Matters of fact in this Narrative as far as relates to the Articles are taken, and we assure the World that they are as near as may be exact as they were given in Testimony to the House.

And whenever any Division of the House happned after that Determination upon any Question relating to the Articles, we constantly committed to writing the Names of the Members who Voted with us.

The seventh Article which thro' Accident came to be the Subject of the first Enquiry was allowed by all Persons to be fully and substantially proved, and no one doubted but that the House would

be of that Opinion which when Sir *Richard Everard* moved for, Mr. Speaker who well knew that if the House was of Opinion that any one Article was proved, they could not avoid charging the Chief Justice with the Articles so proved, objected against that Motion, and desired that the House would not give their Sense of the Evidences to each Articles seperately in it's proper Course, but that they would suspend any Determination whatsoever until they had gone thro' the whole Charge. This produced a warm Debate in the House, and upon the Question it was carried according to Mr. Speaker's desire by the Majority of one Voice.

Mr. Speaker could have no other view in this Proposal of his but only to perplex the Understandings of the Members of the House by mixing such Articles which he knew were (as Affairs had been managed) difficulties to be proved, with such Articles as he was confident wou'd be fully proved, and that the Question at last might be reduced to this, (as in fact it was) whether the Proofs that were produced and heard to Support the said Articles were sufficient for this House to Impeach the said Chief Justice. That was [31] the Question, and many of the Members who voted against the Articles afterwards owned that many of the Articles were sufficiently proved, but that the whole were not so well proved as might be expected in order to a Conviction; the small allowance of Time laid inspuerable Difficulties upon the Gentlemen on the side of the Articles. Whether those Articles to which no Proof was produced, or which were not fully proved, could have been sufficiently proved we leave the World to determine, after they shall have perused the Proofs contained in the Appendix to this Narrative, and which would have been produced to the House, had Time been allowed. But to return to the matter of fact given in Evidence to the House, upon the seventh Article; Mr. *John Bryan* on his Examination upon Oath before the House declared that some Time before the last Circuit-Court held at *Newbern*, one *Walker* was committed to Prison by Captain *George Roberts*, upon the Complaint of Mr. *Joseph Hannis* upon Suspicion of having stolen a Negro from the said *Hannis*, that some Time after the Commitment of the said *Walker*, Mr. *Hannis* came to the said *John Bryan* he being one of His Majesty's Justices of the Peace for the County of *Craven* and desired him to let *Walker* out of Prison, for that his Negro was come home, and he was fully perswaded that his Accusations were groundless against him,

and that he was sure *Walker* never had the Negro; but he the said *John Bryan* fearing that thro' Ignorance he might do wrong, he advised with *William Wilson*, Esq; Sheriff of *Craven County*, and with *Mr. Seth Pilkington* Guardian to the said *Walker*, who represented to the said *Bryan* that it was a very hard Case that *Walker* should be kept in Prison upon that Account, because the very Negro for which he was committed was Justice *Walker's* Negro, in right of his Mother agreeable to a Law of the Island of *Barbados*, and that *Mr. Hannis* was possessed of that negro no otherwise than as Administrator to the said *Walker's* Father, but as *Mr. Hannis* who had been the Accuser had absolutely acquitted him, they were [32] of Opinion that the said *Bryan* might discharge him the said *Walker* without any Hazzard, and that if they were Magistrates they would do it; and *Mr. Seth Pilkington* the Guardian of *Walker* further told *Mr. Bryan* that if he would Discharge *Walker* he would give him his Bond to indemnify him, which he afterwards did That the said *Bryan* upon this and having likewise examined the Commitment of the said *Walker*, which he found to be without Date, and without mentioning for what he was committed, and *Mr. Hannis* having informed him that he had entered into no Recognizance to Prosecute the said *Walker*, he Discharged the said *Walker* out of Prison, and the said *Bryan* further declared upon his said Examination before the House that at the Circuit-Court at *Newbern*, he had information given him that the Chief Justice was displeased at this Proceeding of his, and that before the end of the Court he must expect to be call'd upon to Answer for so doing; upon this, the said *Bryan* attended about the Court and near the Court-House; but that he never heard himself call'd upon for that purpose, but one Day being near the Court-House Door he heard the Affair mentioned in Court with much heat by the Chief Justice, who pronounced the said *John Bryan* fined *Ten Pounds* Proclamation Money, that he knows of no Information or Presentment made or fil'd against him, neither was there to his Knowledge any Oath made by any Person against him, nor was he inform'd or believed that any was taken. That the said *John Bryan* heard a certain Person in Court whom he believes and took to be *Mr. Herriage* Attorney at Law, move the said Chief Justice that he wou'd be pleas'd to send for the said *Bryan*, and hear what he had to say for himself, that he was sure if his Honour was but acquainted with the Case he would mitigate the Fine, that he hoped his Honour meant

Ten Pound Bill Money. The said *Bryan* declared upon his Oath that he heard some Person whom he took to be the Chief Justice, and was afterwards inform'd it was him, reply in these [33] Words as near as he could remember, I am well informed in the Affair, do you know Sir my Sentiments better than I do my self, I do pronounce *John Bryan* fined *Ten Pounds* Proclamation Money, and that to enlighten the Gentleman's Understanding; and the said *John Bryan* further declared that an Execution was issued Signed by the said Chief Justice, directed to the Sheriff of *Craven* County to levy the said Fine upon the said *Bryan*, and that in Consequence of the said Execution he paid to *William Wilson*, Esq; Sheriff the Sum of *seventy five Pounds* Current Money of this Province, and took the said Sheriff's Receipt for the same. The Receipt mentioned by the said *Bryan* was produced to the House by Sir *Richard Everard*. There are some other Circumstances which would have been still a stronger support to this Article, forgot by Mr. *Bryan* in his Examination, for which we refer the Reader to the Appendix.*

Mr. *William Herritage* Attorney at Law and Clerk of the House of Burgesses, was call'd upon by Mr. Speaker in order to clear up this Article on the side of the Chief Justice, tho' by what he said he left it worse than he found it, after being Sworn, he was ask'd if the said *Bryan* had been call'd in Court to Answer to the Offence for which he was fin'd, to which he believed he was, when the Court sat in the Morning of that Day in the Afternoon of which the said *Bryan* was fined, he also Swore that he appeared for the said *Bryan* at his Desire, but agreed to take no Fee for so doing and being asked whether he moved the Chief Justice in Court that *Bryan* might be sent for, and that the Fine might be Mitigated, he declared that he had so done, and that the Chief Justice made Answer to his Motion much as Mr. *John Bryan* had Sworn, and being further ask'd if any Enquiries had been made into *Bryan's* Offence in open Court, if there was any Information against the said *Bryan*, or any Evidence examined upon Oath in Court in Relation to the said *Bryan's* Offence for which he was fined, he answered that he knew of none such.

[34] This was the whole Substance of Mr. *Herritage's* Examination which was very far from answering the Ends intended by it;

*The appendix referred to here and later on is lacking in the edition of the pamphlet from which this copy is made. (W. K. B.)

we leave to the World to judge if any Evidence be wanting to support this Article, and whether this Article alone is not sufficient to take away the Pretension of any Judge to the Character of Impartiality and Uprightness. We shall return again to the Journals

“ And then they Proceeded to the second Article, and produced “ *Mr. Joseph Anderson, and Mr. Archibald Hamilton* Evidences.”

Mr. Joseph Anderson Attorney at Law and formerly Clerk of the General Court, being upon Oath, was examined before the House as follows; he was asked if the said Chief Justice had taken the Oath directed to be taken by all Justices of the General Court for observance of the Jury Act, and whether the said Chief Justice had observed that Act, to which he reply'd that the Chief Justice had taken that Oath, and followed the Directions of that Act in drawing Jurors at a General Court in which he presided before he went for *England* but that ever since his return he had absolutely disregarded that Act.

Mr. Archibald Hamilton Attorney at Law, being Sworn was asked by the House; if the Jurys at the General Court since he had practised the Law at the Court, had been drawn according to the Directions or the Jury Act; to which he reply'd that the Jurors who were Summoned to appear and serve at the General Court have not been drawn by Balot according to the Jury Act, but have been constantly Summoned by *Venire* from the Chief Justice without any regard to that Law; and being further ask'd if he ever heard the Chief Justice acknowledge that Law to be in Force, and that he had taken the Oath by that Law directed to be taken; Answered, that he heard the said Chief Justice in open Court declare the Act of this Province for appointing indifferent Jurymen in all Cases civil and criminal to be in Force, and that he had taken the Oath by that Act enjoined.

[35] Before we take notice of the next Article mentioned in the Journals of the House, we must inform our Readers that the third Article is not mentioned in the Journals, from whence that neglect proceeded is not material, is sufficeth that the Article was true, which evidently appears from the said Chief Justice's taking the Oaths before the Governor in Council, sometime after Exhibition of the Articles to the House. But to proceed to the Journals.

“ Then Proceeded to the fourth Article and produced *Mr. Joseph Anderson, Evidence.*”

We cou'd wish the Journals of the House had been more full and express, and that they had been pleased to have suffered the Evidence to have been committed to writing, it would have spared us the Trouble and Pain we are forced to encounter to render the Proceedings intelligible to our Readers, this Article accuses the Chief Justice with assuming to himself, equal Power and Authority with the Court of King's Bench at *Westminster*, &c. to support which two original Writs for the Execution of Criminals at *Edenton* were produced and read to the House, the first in these Words, *Viz.*

North-Carolina, ss.

GEORGE the Second by the Grace of God, of *Great Britian*, &c. To the Provost Marshal of our said Province, Greeting.

Whereas at our Court of King's Bench holden for our said Province at the Court-House in Edenton on the last Tuesday in July last before our Chief Justice and his Assistants Judges, one Beal Brown of Edgcomb Precinct in our said Province Planter was Convicted for the felonious stealing a Horse from Constant Williamson, and thereupon received Sentence of Death, and at the Motion of our Attorney General for a Writ to Command the Marshal of our said Province to put the Sentence against him the said Beal Brown in Execution, which was granted, and a Rule of Court thereon made, we therefore Command you that on Thursday the fifth of this Instant [36] August, between the Hours of ten of the Clock in the Forenoon and three in the Afternoon, you Cause the Body of the said Beal Brown to be carried from our Goal at Edenton to the Place of Execution, and there to be hanged by the Neck till he is dead, and all our Leige People are hereby Commanded to be aiding and assisting in the Premises. Herein fail not and make due Return of this Writ, and your Proceeding thereon. Witness William Smith, Esq. our Chief Justice of our said Province at Edenton the second Day of August, in the tenth Year of our Reign, Anno Domini. 1736.

W. Smith, C. J.

The Execution of which Writ, was thus Certified in writing upon the back thereof, like wise read to the House.

Edenton, ss. By Virtue of the within Precept I executed it on the Body of *Beal Brown*, on the Day and Time of the Day within mentioned being this fifth Day of *August*, *Anno Domini* 1736.

Christo Becker, D. M.

The other original Writ for the Execution of one *John Tucker* convicted of Burglary and Felony of the same Date with the former and in the same Words *Mutatis Mutandis*, and upon the back thereof was Indorsed as follows, Executed this 5th Day of *August*, 1736.

Christopher Becker, D. M.

Mr. *Joseph Anderson* declared upon Oath the said Writs to be original Writs, by which the aforesaid Criminals were Executed, he being at that Time Clerk of the Crown.

Mr. Speaker having declared to the House that His Majesty's Warrant or Sign Manual, for appointing Mr. *Smith* Chief Justice of this Province, gave to the said Chief Justice the same Power as the several Courts in *Westminster Hall* are possessed of, that our Readers may be fully satisfied how much Mr. Speaker is mistaken in his Assertion, we shall present them with an exact Copy of that Warrant taken from the Records, then leave them to determine, if the Chief Justice has the least Pretension or Title to Claim or Execute the [37] Powers of His Majesty's Ancient Court of King's Bench at *Westminster*.

G R

Trusty and well Beloved, We Greet you well.

“ WHEREAS we have taken into our Royal Consideration the
 “ Integrity and Ability of our Trusty and well Beloved *William*
 “ *Smith*, Esq; we have thought fit hereby to Require and Author-
 “ ize you forthwith to cause Letters patents to be passed under our
 “ Seal of that our Province of *North Carolina* in *America*, for
 “ Constituting and Appointing the said *William Smith* our Chief
 “ Justice of and in our said Province, to have, hold, execute and
 “ enjoy the said Office during our Pleasure and his Residence
 “ within our said Province, together with all and singular the
 “ Rights, Profits, Privileges, and Emoluments unto the said Place

“ belonging or appertaining, with full Power and Authority to
 “ hold the Supream Courts of Judicature, at such Places and Times
 “ as the same may and ought to be held within our said Province, and
 “ for so doing this shall be your Warrant, and so we bid your Fare-
 “ well. Given at our Court at *St. James's* the 13th Day of *Novem-*
 “ *ber* in the fourth Year of our Reign.

By His Majesty's Command.

Holles Newcastle.

The fifth Article not mentioned in the Journals notwithstanding it contains a fact so notoriously known that not one Member in the House was a Stranger to it.

We shall again Return to the Articles.

“ Then Proceeded to the sixth Article, and produced Mr. *Joseph Anderson* Evidence”

The Journals neglect mentioning a more material Evidence produced to Support this Article, than Mr. *Anderson* who only corroborated the Examination of Mr. *Dawson* taken upon Oath by one of His Majesty's Justices of the Peace for *Bertie* County, read to the House as follows, *Viz.*

[38] “ The Examination of *John Dawson* taken before Mr. *John Edwards* one of his Majesty's Justices of the Peace for the said Precinct the 14th Day of *January* 1737, who being duly Sworn on the Evangelists of Almighty God, declares that he made his personal Appearance at a General Court held at *Edenton* the last Tuesday in *July* last, and as he was in the Evening walking in the Street near the Court House in Company with one *James Barnes*, accidentally met Mr. *James Trotter* Deputy Marshal, and one *Jackson* who immediately Summoned the said *Dawson* to attend that Court as a Petit Juryman, Mr. *Dawson* at the same Time telling him that he need not have given himself the Trouble for he had been Summoned before; *Trotter* reply'd that he could not expect any Favour at his Hand, *Dawson* answer'd that he did not, and if he had any Trump Cards in his Hands to play them for he (meaning himself) might chance at one Time or other to have Jack and Ace in his Hands, and should make Use of them; *Trotter* signified that he the said *Dawson* had used him very ill at his House, when he Demanded the Quitrents, and he might expect no Favour at his

Hands, *Dawson* replying he was sorry when he took his Money from him in the manner he did, that he had not well basted him; which ended the Conversation.

Next Day the Court being opened and fitting, the Petit Jury was called, where the said *Dawson* appeared, and were all ordered to give their Attendance when wanting, whereupon *John Montgomery*, Esq; His Majesty's Attorney General moved to the Chief Justice that Mr. *James Trotter* the Marshal had Complained to him that one *John Dawson* had insulted him in the Execution of his Office, *Trotter* being call'd, and *Barnes* and *Jackson* being Sworn, and having both delivered their Evidence in the very Words above narrated. The Judge asked *Trotter* if he was at that Time in the Execution of his Office, who reply'd your Honor knows I am always about my Business in Court Time, but could not readily give any Account of what particular [39] Business, but remembered that he had then Summoned the said *Dawson* on the Jury, to which *Trotter* was Sworn, the Judge ask'd Mr. *Dawson*, what he had to say for himself for insulting one of His Majesty's Officers in the Execution of his Office in Time of the Court sitting; who answered that it being in the Evening when the Court was adjourned, and as he had been Summoned before that Time, in Obedience thereto he appeared, and did not intend any Offence to His Majesty's Officers, if deemed such he did it Ignorantly and was sorry for it; the Judge without any further Enquiry, expressed himself in these Words, I commit you to Goal without Bail or Mainprise, there to remain till you pay *Ten Pounds* Proclamation Money, and give sufficient Security for your good Behaviour for twelve Months and one Day and Night. Mr. Chief Justice sent for the said *Dawson* to his Lodgings, when Mr. Attorney General and Captain *William Downing* an Assistant Judge procured his enlargement from Saturday Evening till Monday Morning.

The Court being opened at the usual Time on Monday, the Judge discovered some Words written on his Desk by some Person unknown, reflecting very much upon his hasty committing and fining the said *Dawson*, which occasioned a warm Debate between the Judge and Mr. Attorney, whereupon Mr. Attorney ordered the said *Dawson* to Prison, where he continued two Days and Nights, and being

prevailed upon by his Friends paid *Ten Pounds* Proclamation Money, gave the Security required, and was dismissed."

" Certified under my Hand the Day and Year above written,

John Edwards, Pac. Just.

Mr. *Joseph Anderson* who was call'd as a corroborating Evidence, declared that the said *Dawson* had been fined and imprisoned as he hath Sworn.

But to return to the Journals.

" Then Proceeded to the eight Article and produced Mr. *Joseph Anderson*, Mr. *John Caldom*, Mr. *Bryan*, and Mr. *John Starkey* Evidences.

[40] Here again the Journals are remiss in not mentioning all the Evidences produced to Support this Article, besides those mentioned in the Journals, *John Montgomery*, Esq; Mr. *Archibald Hamilton* and *Robert Calahorn* were examined, and the Deposition of *John Boude* read, before the House; Mr. *Joseph Anderson* informed the House that he indicted one *James Kelly* for a forcible Entry, that the Indictment was quashed, as is set forth in the Article, that *Kelly* paid as he believes between l. 70 and l. 80 Bill Money, in which all Fees relating to the same were included, that he knew of no particular Fee ascertained by the Law of this Province for such Service, but that he made out the Fees *Kelly* paid by Direction from the Chief Justice from the Compleat Attorney and Solicitor.

Mr. *Archibald Hamilton* Swore that *Kelly* informed him that the Fees with which he was made chargable for that Indictment, amounted to *Twenty two Pounds Ten Shillings* Proclamation Money, and that he had paid l. 90 Bill Money in Lieu thereof.

John Montgomery, Esq; also inform'd the House that *Kelly* acquainted him that he had paid l. 90 for the Expence, occasioned by that Indictment.

" The Deposition of *John Boude* aged near thirty Years, being first Sworn on the Holy Evangelist, saith that he was by the Grand Jury at *Edenton* in the Year 1735 or 1736 presented for having a Bastard Child by one *Katharin Dew*, which this Deponent hearing of, went into the General Court, and moved by his Attorney to be heard on the said Presentment, and on Motion to the said Court

Mr. Chief Justice *Smith* and Mr. *John Montgomery* Attorney General allowed the said Presentment to be insufficient, the said Deponent having comply'd with the Laws of the Province, in paying the Fines to the Church Wardens of the Parish, and providing necessities for the Support and Maintainance of the Child, and that the said Child was Born near five Years before the said Presentment and the Fines then paid, and that the said Deponent has not Cohabited with the said *Katharine* since, nor ever heard that [41] there was any previous Complaints either by Church Wardens, Overseers of the Poor or any other Persons, and that he had always maintained the said Child in a Christian like manner, and further saith that when the said Court dismissed the said Presentment, Mr. Attorney *John Montgomery*, Esq; moved that the Deponent should pay the Costs, but Mr. Chief Justice *Smith* was silent, altho' Mr. *Montgomery* mentioned it twice to the said Court, and the Deponent thought he was to pay no Costs, there being nothing Alledged against him but a very short Presentment from the Jury, and no Summons or Bill prefer'd against this Deponent, or any Thing else as he ever heard of but the said Presentment; yet notwithstanding the Deponent for fear of further Trouble went to the Clerk of the Crown when the Court was Adjourned, and tendered to pay the Fees, and demanded to know what they were; the said Clerk laughing reply'd, Let it alone, I don't know whether you have any Thing to pay, and made a Poh at it, from which this Deponent apprehended it to be a very Trifle, but in a very short Time the Deponent met *James Trotter* the Marshal, who shewed the Deponent an Execution against him for *Twenty-six Pounds* some odd *Shillings* Fees for the said Presentment, and the Deponent further saith that soon after seeing the Clerk of the Court and resenting his sending out the Execution, he excused it by saying he could not avoid it, for it was by the Chief Justice *Smith's* Commands, the which *Twenty-six Pounds* the Deponent paid; and further saith not. *John Boude.*

Sworn before me the 26th Day of March, 1737.

Thomas Hansford.

Robert Calahorn being examined upon Oath Swore that himself, *Andrew Conner*, and others were indicted at the last Circuit Court held at *Bath-Town* for a Riot, as in the said Article is set forth,

that himself and *Andrew Conner* each of them paid the Sum of *Twenty two Pounds* to the Chief Justice and his Clerk for Fees for the said Indictment, that he paid the same by Mr. [42] *John Caldom's* Assumption that Execution for the like Sum were out against the other Persons mentioned in the said Indictment.

Mr. *John Caldom* Swore that he gave his Assumption to pay to the Chief Justice and his Clerk the Sum of *Twenty-two Pounds* upon the Account of the said *Robert Calahorn*, and for the like Sum upon the Account of *Andrew Conner*, and that upon his the said *Caldom's* Assumption, the said *Calahorn* and *Conner* were discharged from the Demand of the said Chief Justice and his Clerk. We shall again Return to the Journals which brings us to the ninth Article.

Then proceeded to the ninth Article and produced a Copy of *Anthony Booth's* Deposition in Evidence.

“ *Bertie Precinct*, ss. On the 17th Day of *March* 1737, came before me *John Holbrook*, Esq; one of His Majesty's Justices of the Peace, *Anthony Booth*, and made Oath, on the holy Evangelists that on or before the first Day of *October* last he the Deponent being sick in Bed of a Fever, *Peter Young* Deputy Marshal, served two several Executions on the Body of the said Deponent for Debt, one for *two Pounds Ten Shilling*, and another for *two Pounds five Shillings* Bills together with Costs and Charges amounting to upwards of *seventy Pounds*, tho' the Deponent never was legally Arrested, for which the said *Peter Young* insisted upon carrying the said *Anthony Booth* to Prison, but the Deponent being very ill with great Difficulty prevailed upon the said *Young* to take a Negro Girl for Security of the Payment of the above Sum until the Court. Accordingly the said *Young* took her with him to *Edenton*, by consent of the said Deponent, notwithstanding which the said *Peter Young* with three Assistants came a second Time and received from the said Deponent 4000 Pounds of fresh Beef into his Boat, and at the same Time forced the said Deponent on Board the Boat with the Beef to *Edenton* (by which means the Deponent was Violently forced away) and kept him Prisoner two Days and then discharged him.

Sworn before me,

J. Holdbrook. J. P.

[43] “ The said Deposition was endorsed, A true Copy examined by us *John Swann* and *Thomas Jones*, Col. *Maurice Moore* and Mr. *John Swann* affirmed to the House that they had examined the said Copy with the Original, and that it was a true Copy.” But if the House had been in any Doubt as to the Truth of that fact, they ought to have commanded *Booth’s* Attendance.

“ Then proceeded to the tenth Article, and produced Mr. *Joseph Anderson*, several Executions, and Mr. *Richard Lovit* Evidences.

Mr. *Anderson* being asked if he was Clerk of the General Court at the Time the Facts alleged in this Article were committed, declared he was not. The several Executions and other written Evidences produced to the House, were as follows, *Viz.* The first Executions against *Samuel Bridgin* in these Words.

North-Carolina, ss.

Seal.

GEORGE the Second by the Grace of GOD of *Great Britian, &c.*
To the Provost Marshal of our said Province. Greeting.

We Command you to take Samuel Bridgin of Cape-Fear so you that have him before our Justices at our next General Court to be holden for our said Province at the Court House in Edenton on the last Tuesday in March next, to satisfy four Pounds eight Shillings and three Pence Proclamation Money, which in our Court on the last Tuesday in October last, was adjudged and taxed for his Costs in his Suit against Thomas Fullwood, wherein he would no further Prosecute, whereof he is convicted. And have you then and there this Writ, with your own Fees. Witness William Smith our Chief Justice of our said Province at Edenton the 19th Day of November, Anno Domini, 1738.

W. Smith, C J.

[44] Which Execution was endors’d on the back in the Hand writing of Mr. *Richard Lovit* Attorney at Law to whose Care that Execution was committed.

Proclamation Money				} In Bill Money at four for one l. 19 18 0
" Chief Justice	l. 4	8	3	
" This Precept		11	3	
	<hr/>			
	l. 4	19	6	

Then was Read Mr. *James Craven's* Receipt for the Fees in that Action agreeable to Allegations of the Articles the second Time the same was paid by *Samuel Bridgin*, but as the Chief Justice's Friends would not allow Time sufficient to send for *Bridgen* and others, designated as Evidences to support this Article, we refer our Readers to the Appendix.

" Received *September 22d 1739*, of Mr. *Samuel Bridgin* the Sum of *seventeen Pounds thirteen Shillings* Current Bills, for Fees due in his Cause against *Thomas Fullwood* due to the Chief Justice and Clerk of the Court. I say Received for the Use of the Chief Justice and Clerk of the General Court.

Per *James Craven*, Cl Gen. Court.

" *Rufus Marsden* has paid a *Fieri Facias* for discontinuing his Suit against *Edward Davis*, the Sum of *seventeen Pounds ten Shillings* to *Thomas Rowen*, and since has paid a *Fieri Facias* for the said Action the Sum of *eight Pounds five Shillings* to the Chief Justice as may appear by the Clerk's Receipt.

Rufus Marsden.

" *Daniel Dunbibin* paid an Execution at the Suit of *James Fergus*, *thirty Pounds* to *Thomas Rowen*, which he can make appear by the Oath of *Edward Scot* and *James Fergus*, and since has been compell'd to pay the Sum of *twenty-one Pounds* for Costs of the said Suit as may appear by the Clerk's Receipt.

Daniel Dunbibin.

Mr. *Richard Lovit* declared upon Oath before the House that he believed Mr. *Dunbibin* might have paid [45] the Sum to Mr. *Thomas Rowen* deceased, Clerk of the General Court thro' the Hands of Mr. *Edward Scot*.

Then was produced and read to the House an Execution upon a *Non Pros* against *William Dry* in the same Words (*Mutatis Mu-*

tandis) as that against *Samuel Bridgin*, being for the Sum of *four Pounds* and *five Pence* Proclamation Money, and also three *Fieri Facias's* against the said *Dry* for the Discontinuance of three Suits brought by him in the General Court, all of them of the same Date. In the following Words (*Mutatis Mutandis.*)

North-Carolina, ss.

Seal.

GEORGE the Second by the Grace of GOD King of Great Britian, &c.

To the Provost Marshal of our said Province. Greeting.

Whereas at our General Court holden at Edenton, the last Tuesday in October last for our said Province, William Dry having discontinued a Suit against Jonathan Caulkins it was order'd that he pay Costs, as to us of Record appears, which said Costs have been taxed at Three Pounds seventeen Shillings, Proclamation Money, and as yet hath not been paid or satisfied.

We Command you that of the Goods and Chattels of the said William Dry if to be found in your Bailwick you Cause the same to be levied, paid and satisfied together with *eleven Shillings*, and *three Pence* Proclamation Money, accruing on this Writ as also your own Fees, and make due return. Herein fail not. Witness William Smith, Esq; Chief Justice of our said Province at Edenton this 10th Day of November, 1737.

The other two Executions against Capt. *Dry* were one of them for Discontinuance of a Suit against *Thomas Sawier*, and the other for the like against *Clifton Brown* and the Costs mentioned in them, besides the [46] *eleven Shillings* and *three Pence* Proclamation Money as follows, *Viz.*

Proclamation Money,

Mr. <i>Dry's</i> Cost in his Suit against <i>Brown</i>	l.	3	17	0
Mr. <i>Dry's</i> Costs in his Suit against <i>Sawier</i>		3	12	0

We shall now again return to the Journal,

“ Then to the eleventh Article, and produced Mr. *Joseph Anderson* Evidence.

The Evidence produced to support the tenth Article fully and clearly proved this Article; Mr. *Anderson* was asked if the Execu-

tion against *Samuel Brigdin* upon the *non pros* was in the Form which the Chief Justice constantly issued them in, he reply'd he believed it was in the same Form, and being asked if *eleven Shillings* and *three Pence* Proclamation Money was the Fee which the said Chief Justice claimed for himself and Clerk for such Executions, he answered it was.

“ Then proceeded to the twelfth Article and produced Mr. *Joseph Anderson* and Mr. *Richard Lovit* Evidences.

Here again the Journals decline mentioning the most material Evidence produced and read to the House to support this Article, and concerning which only the two Evidences mentioned in the Journals were call'd, the first being an original Warrant granted by the Chief Justice against *William Crosby*.

By the Honorable *William Smith*, Chief Justice,

North Carolina, ss.

Seal.

Whereas I have this Day received Information upon Oath that William Crosby of Onslow Precinct Planter, about the first Day of June last did felloneously and of Malice afore thought, assault and wound David Berry, of which wound the said David Berry for some-time Languished, and about five Weeks after died, and likewise that he the said William at the Time aforesaid did without any lawful Provocation assault, wound, and bruise William Dudley.

[47] These are therefore to Command you to apprehend the Body of the said *William Crosby* and him bring before me at *Edenton*, or before *Abraham Mitchell* in *Onslow* to Answer the Premises and to be dealt with according to Law. Fail not, and for so doing this shall be your Warrant. Given under my Hand and Seal at *White Oak*, *December 4th 1734*.

W. Smith C. J.

*To the Provost Marshall and his Deputy, and
to each and every the Constables of the
aforesaid Province & their Assistants.* }

And then was read an Execution against *Dudley* in the usual Form, for *one Pound ten Shilling* and *seven Pence half Penny* Proclamation Money, and *eleven Shillings* and *three Pence* of the

like Money Fees for the said Execution; that Execution suggests that *Dudley* had discontinued a Suit against *William Crosby*: all the Attorneys who practised in the General Court of this Province at that Time except one being present they were severally ask'd by the House if any of them knew of, or had brought any Action against *William Crosby* at the Suit of *Dudley*, and they severally declared they had not, neither could they recollect any such Action to have been upon the Docket. It is further remarkable, that Mr. *Richard Lovit* who receiv'd the Money and Fees arising from the Execution against *Dudley*, upon Account of Mr. Chief Justice, could not recollect any Action brought by *Dudley* against *Crosby*, he gave the following Receipt upon the back of the Execution.

Receiv'd the within Sum of eight Pounds seven Shillings and six Pence for the Use of William Smith Esq; Chief Justice, 2d July 1740.
Richard Lovit.

As this Case is very remarkable we intend to state it at large in our Appendix, to which we refer our Readers.

We shall now go on with the Journals.

“ Then proceeded to the thirteenth Article and produced Mr. *Archibald Hamilton* Evidence.”

[48] Mr. *Hamilton* being produced to support this Article is a circumstantial Evidence only, and the Evidence who would have put the same beyond Dispute not being there thro' want of convenient Time and the aid of the House, we shall refer our Readers to the Appendix.

But to follow the Journals.

Then to the fourteenth Article which they agreed to expunge being used in private Conversation, notwithstanding which Confession we are of Opinion, we ought to convince our Readers that the Matter contained in that Article was Truth, as will undeniably appear from the following Deposition.

Bertie Precinct, ss: March 17, 1737, 8.

James Castelow of this Precinct of fifty Years of Age, and duly Sworn on the holy Evangelists saith, that on the 27th *July* having some Discourse with the Chief Justice *Smith* and Mr. Attorney General *Montgomery* in *James Trotter's* Porch, concerning the Hardships the Inhabitants of this Province labour'd under since the

Administration of his Excellency *Gabriel Johnston*, Esq; our present Governour, told them they were got to that height that we should be under a necessity to rebel against them or run-away and leave our Lands and Livings, behind us, Chief Justice *Smith* in a heat answered, by God I wish you would, that is what we want; the Deponent started up from the Place where he sat betwixt them, surpriz'd at such an unguarded Expression, and reply'd, good God, what a strange Government we are under, that the Ministry Labour the ruin of the Subject, and are so bare faced as to own it. The Attorney said *fye fye*, are such Expressions fit to come out of the Mouth of a Chief Justice of a Province, or Words to that effect. The Day following *John Dawson* a Member of the Assembly, was committed to the Publick Goal by Judge *Smith* for Words passed in the Street between him the said *Dawson* and *James Trotter*, there to lie without Bail or Mainprize until he paid *ten Pounds* Proclamation Money, and fined Security for his good Behaviour (as this Deponent was inform'd) for a Year and a Day.

Sworn before me

John Holdbrook, Jus. Pea.

[49] Now we attend the Journals to the fifteenth Article.

“ Then to the fifteenth Article and produced Mr. *Archibald Hamilton* Evidence.”

Mr. *Hamilton* upon his Oath declared that he heard the Chief Justice in open Court abuse Mr. *Arthur Mabson*, in the Manner and Words, and at the Time as in that Article is expresly mentioned.

We come now to the sixteenth and last Article mentioned by the Journal.

“ Then to the sixteenth Article not any Evidence produced.”

As the Proofs produced before the House were brought there not to convict but only to induce the House to accuse the Chief Justice, it was thought needless, to prove what every Member must by ocular Demonstration know to be Truth, there was scarce any Member of that House who had not at Times made his Observation thereof, and was well convinced that Mr. Chief Justice has long since merited a Myrtle Wreath.

We come now to the Debate and Question upon the Articles.

“ Then proceeded to Debate the same, whether the Proofs to the said Articles are sufficient for the House to Impeach the said Chief Justice.

Then Mr. Speaker resumed the Chair.

Mr. Chairman reported from the Committee of the whole House that the above Articles and Proofs were debated by the said Committee.

Then the Question was put whether the Proofs that were produced and heard to support the said Articles were sufficient for the House to Impeach the said Chief Justice, or whether they be rejected.

And voted by a Majority of six Votes rejected."

Vera Copia Wm. Herriage, Cl. Dom. Bur.

For rejecting the Proofs

Mr. <i>Tho. Lovick</i> , Colector of	Mr. <i>George Roberts</i>
Port <i>Beaufort</i> .	Mr. <i>Richard Rigby</i>
Mr. <i>Thomas Hunter</i>	Col. <i>Benjamin Hill</i>
Mr. <i>George Bould</i>	Mr. <i>John Blount</i>

[50]

For rejecting the Proofs.

Doct. <i>Abraham Blackall</i>	Mr. <i>John Caron</i>
Deputy Post Master.	Mr. <i>Jacob Caron</i>
Mr. <i>James Craven</i> , Clerk of the	Mr. <i>Leary</i>
General Court.	Mr. <i>Joshua Long</i>
Col. <i>Macrora Scarborough</i>	Mr. <i>James Sumner</i>
Mr. <i>Carruthers</i>	Mr. <i>Walton</i>
Mr. <i>Tho. Pendilton</i>	Mr. <i>Joseph Tart</i>
Mr. <i>David Bayley</i>	Mr. <i>Thomas Lowther</i>
Mr. <i>William Relf</i>	

Against rejecting the Proofs.

Col. <i>Maurice Moore</i>	Mr. <i>Arthur Mabson</i>
Mr. <i>James Castelaw</i>	Mr. <i>Samuel Swann</i>
Mr. <i>Tho. Bryan</i>	Mr. <i>John Swann</i>
Mr. <i>John Brown</i>	Mr. <i>William Bartram</i>
Mr. <i>Simon Alderson</i>	Sir <i>Rich. Everard</i> , Bart.
Mr. <i>John Banbury</i>	<i>John Montgomery</i> , Esq;
Mr. <i>John Starkey</i>	His Majesty's Attorney General.
Mr. <i>William Brice</i>	Mr. <i>Joseph Sutton</i>
Mr. <i>Edmund Smithwick</i>	Mr. <i>Samuel Sinclair</i>
Mr. <i>William Gardiner</i>	

I have now gone thro' the Articles and the Matters of Facts relating to them as the same were actually given and produced before the House, and I make no doubt but that our Readers are convinced that, that Proceeding of ours was the pure Effect of our Duty, and that the Articles of Complaint are neither frivolous, idle, or maliciously intended only to asperse and blacken the Chief Justice, as he hath suggested, tho' the Members for the Articles acted by his own Directions and Advice, and as it were with his own Consent signified to them from the Bench in many of his Charges to the Grand Juries of this Province, *That he who condemnes the Innocent and he who letteth the Guilty go frees are both an Abomination to the LORD.*

We appeal to our Readers if it be not very monstrous to suppose that a Sett of Gentlemen who without vanity may be looked upon at least equal to any in the Province, should conspire together to blast the Expectation [51] and ruin the Fortune of the Chief Justice, only to gratify some little Pique or Malice of their own, in manifest and open Contradiction, to Truth, and the Sense of the rest of the Province: As such an attempt as this would be little short of down right Madness, so it would be very easily baffled, and the villany of it exposed to the World, and the Actors therein would meet with deserved Reproach and Contempt; But blessed be God we live under a *British* Constitution, where Liberty is our undoubted Inheritance, is well understood and ought to be enjoyed in it's full Extent; in such a Government if any one shall presume to break thro' and violate the common Benefits and Priviledges, secured to us by Law, and trample under Foot the most solemn Oaths, the most binding and necessary Laws, Laws upon which the Safety of the whole Province necessarily depends, and which have never been before then broken or disobeyed, I say when all this happens, and Men in Power, behave as if they were less accountable for the abuse of their Trust, then the Royal Hand which bestowed it upon them; is it not high Time for People labouring under such Oppressions and Injuries to look about them? Is it not necessary to put a stop to such Iniquities, and is it not just at least to endeavour to punish such daring Offenders; can any Man or Set of Men possibly remain quiet and easy when they see by Experience that neither the Laws of *Great Britain* nor those of their own Province, are sufficient to secure them against the arbitrary Attempts of Men in Power? And is it not the greatest Hard-

ship and Cruelty imaginable that Men in such a wretched Condition endeavouring honestly to discharge the Trust reposed in them by the injured and oppressed People, complaining in the most decent manner of these Enormities; should be looked upon by the Gentlemen in the Administration little better than Rebels, and that Gentlemen who had Courage and Honesty sufficient to exhibit Articles upon just Grounds against the Chief Justice, should be called Libellers and Opposers of the Measures of the Government, purely for the sake of Opposition [52] only, and that those necessary Articles against the Chief Justice, which are founded upon undeniable Matters of Fact, should be called by him false and libellous? It is an easy matter to say so of the most solemn Truths, but we take the freedom to put that Gentleman in mind, that the World will be much better satisfied with his proving them false and libellous, than with his bare *ipse dixit*, that they are so.

Our Readers we make no doubt will look upon the Matters of Fact contained in the Articles and the Proofs collected in this Narrative, as sufficient to support the necessity and justness of our Proceedings against Mr. Chief Justice Smith.

The great Care taken by himself and Friends to suppress the Evidence against him, by contracting the Time and by the other Methods and Artifices before mentioned, ought to be taken for the strongest Evidence imaginable. Upon the whole it intirely lies upon Mr. *Smith* to convince the World that he is injured by us, and that he has behaved with that Uprightness and Integrity in his Station that he ought, and which we could have wished had accompanied all his Actions.

THE END.

II

AN ADDRESS TO THE INHABITANTS OF NORTH CAROLINA AND AN ADDRESS TO THE BURGESSES OF NORTH CAROLINA (1746). BY WILLIAM BORDEN.

INTRODUCTION

William Borden, the author of this pamphlet, was born in Portsmouth, Rhode Island, August 15, 1689. He was the son of John Borden, one of the two progenitors of the Borden family in America. By profession he was a shipbuilder. Seeing the scarcity of duck cloth, necessary for the manufacture of sails, he became interested in its production, for which the growing of hemp was also essential. The Rhode Island Assembly was invoked for assistance and in 1721 that body enacted the first of a series of statutes designed to stimulate the growing of hemp and flax. In August of the following year (1722) Borden was granted a bounty for five years, to the exclusion of all other persons, of 20s. per bolt for every bolt of duck he should manufacture equal in quality to Holland duck; in October the period of the bounty was lengthened to ten years. Nor was this all; in 1724 he applied for and received a loan of £100 for one year to aid in financing his enterprise. In 1725 another loan of £500 for three years was granted, and in 1728 a much larger sum, £3,000, to run ten years, was also granted on condition that 150 bolts of duck be produced annually. In 1731 the exclusive bounty was renewed and the requirement to produce 150 bolts per annum waived, and in 1736 the ten-year loan was extended to 1746.

Between the lines of this legislation one may readily infer that there were difficulties in the manufacture of duck, and such was the case. Skilled labor was scarce and raw materials were not produced in sufficient quantity. The enterprise did not prosper and in 1732 William Borden disposed of his business and removed to North Carolina. He settled in Carteret County, on a stream which he called Newport River, and there he established a ship-building enterprise. He was undoubtedly a pioneer in that business and was widely known as William Borden, the shipbuilder. He was a member of the Society of Friends, and was elected to the Assembly, session of February, 1746/7. When the Assembly organized he declined to take the oath required of members, and requested that his affirmation be accepted. This was refused, and he did not take his seat. Two years later, in 1748, he died. His wife was Alice Hull, whom he married in 1715. To them were born one son, William, very prominent in North Carolina politics in the period of the

Revolution, and four daughters, Alice, Catherine, Hope, and Hannah. Their descendants lived in Eastern Carolina and intermarried with the prominent families of that section.

Among the public questions of the day, Borden was keenly interested in the currency. This is the subject of his *Address to the People of North Carolina*. It is a very human document, showing an intimate knowledge of those commercial conditions in the province that were the background of its monetary policy. Fundamentally, a lack of good harbors threw the balance of trade against North Carolina, both with respect to inter-colonial as well as foreign trade.

"Are not the Inhabitants (for want of a proper Navigation in the Government) obliged to purchase all their foreign Necessaries at the very last and dearest Hand? When, perhaps, a Parcel of Goods or Merchandize have passed through the Expense of Navigation, etc., in the neighbouring Governments, and have passed through the Hands of many Merchants or Traders, and they have all had their Profits on them, and Livings from them, then, perhaps, poor North Carolina Planters have the Honour of eating, drinking, and wearing some of the riff-raff Remains at a dear Rate: Pray consider, then, what all this amounts to, but a supporting Navigation and Trade in the neighbouring Governments, at the Expense of the poor North Carolina Planters."

In these words are summarized North Carolina's great trade problem—a problem that, in one form or another, has puzzled the minds of many public men from the days of William Borden to the present. Fortunately facts and figures are cited in illustration. "We may find," he says, "that at *New York*, Beef is sold from 40 to 60 s *per* Barrel; which being reduced to our Currency, at Six for One, is 12 to 18 l *per* Barrel, our Money; Pork, we may find, goes from 50 to 80 s *per* Barrel; which being reduced, at Six for One, is 15 to 24 l *per* Barrel, our Money: And, moreover, even the many sorts of Timber, in our neighbouring Governments, became valuable, by Means of a proper foreign Trade; whereby many of the Inhabitants (instead of being at an immense Charge to burn it in Heaps) were enabled, by the Produce thereof, to clear their Lands.

"And on the other Hand, it is said, That Sugar, by the small Quantity, is sold from 4 to 8 d *per* Pound; which being reduced, at Six for One, is 2 to 4 s *per* Pound, our Money; Melasses is said to be sold, from 16 to 18 d *per* Gallon, by the Hogshead; which

being reduced, at Six for One, is 8 to 9 *s per* Gallon, our Money; Thus it may appear, by a reasonable Computation, to any Eyes, except they are blind, and to any Understanding, except it is stupefied, that what Sugar the Inhabitants of *New York* expend in their Families, at 2 to 4 *s per* Pound, our Money, we cannot expend the same in our Families here, under 5 to 7 *s* and 6 *d per* Pound, in our Way of Trading; and so, in like Manner, what Melasses they expend in their families, at 8 to 9 *s per* Gallon, our Money, we must expend the same in our families here, at 25 to 30 *s per* Gallon, in our Way of Trade, or otherwise go without it. Salt, also, from 2 to 3 *s* in New York, which being reduced, at Six for One is 12 to 18*s per* Bushel, our Currency, for which we must give 30 to 40 *s per* Bushel here; And so, in some proportion, we may conclude it is with other merchandise."

The adverse trade balance drained the colony of specie. Such a condition was an excellent background for emissions of paper money. The experiment was begun in 1712, at the time of the Tuscarora War. By 1729, the year of the transfer of the colony to the Crown, the amount of money that had been issued amounted to £48,000. Of this a considerable sum had been authorized as replacements, and if the monetary laws had been strictly observed the amount outstanding would have been only £10,000; evidence that far more than this was actually in circulation is the rate of depreciation, which was £500 colonial to £100 sterling, and the money was practically worthless outside the colony. To remedy this situation the Assembly of 1729 enacted a bold measure: £40,000 in bills of credit were to be issued, of which £10,000 were to be exchanged for previous issues then in circulation, and £30,000 were to be loaned on land mortgages at six per cent, one-fifteenth of the principal to be redeemed annually. It was believed that money with land as a security would not depreciate; but the population was around 35,000, bond and free, thus making the amount of paper more than £1 for every person in the province. Depreciation therefore continued, the ratio in 1731 being £700 or £800 to one pound sterling. Moreover, there were frauds in the valuation of land accepted as security for money, there was considerable counterfeiting, and it was impossible to collect all of the annual fifteenth of the principal.

Here was an excuse for further monetary legislation and in 1735 the installments due on the issue of 1729 were ordered to be reissued,

thus preventing any currency contraction until the end of the fifteen-year period. Moreover, contrary to royal instructions, £12,500 of additional currency were authorized to meet current debts and the expense of monetary administration. The amount of paper in circulation was thus increased from £40,000 to £52,500, and by 1739 the rate of exchange was officially fixed at £1,000 colonial to £100 sterling.

Such was the situation as the end of the fifteen-year period for which the currency of 1729 was issued, approached. Governor Johnston called the matter to the attention of the Assembly in 1744. Then it was that William Borden proposed his plan for a new currency. He had no sympathy with the existing monetary policy and he knew that the Crown had issued instructions against further issues of paper; but he believed that these instructions would be waived if a sound currency could be provided. And to secure such a currency he deemed it necessary to adopt a policy that would stimulate external trade. He therefore proposed that £100,000 in paper be issued on land mortgages, one-tenth to be redeemed each year in produce. Considering the issue of 1729 there was nothing new in this; but he did add a new feature, original and unique. This was that the produce collected should be placed in public warehouses and sold by the government, three-fourths of the purchase price to be taken in goods of the West Indies or elsewhere and one-fourth in gold and silver. Through a constant turnover in this business, he estimated that at the end of ten years sufficient gold and silver would be accumulated to retire the £100,000 of paper.

There is no evidence that this proposal was considered by the Governor, Council and Assembly. In both sessions of 1744 the only measure the Assembly would consider was a bill for "a new currency," and over its details there was so much opposition from the Council that nothing was done. Therefore Mr. Borden made another plea for a sound currency, "the second month of 1745." In this he severely criticised the Assembly for failing to adopt any constructive measure and recommended a produce tax, the goods so levied to be exchanged by the government for specie and manufactured articles as the best means of improving trade and bringing sound money into the colony. "Is there not a duty incumbent upon the Inhabitants of North Carolina, who are almost destitute of a paper medium," he asks, "weightily and maturely to consider which

way a proper Remedy may be calculated, in order to relieve the Government from its naked and distressed state?"

Again his advice and program were ignored, for the measure adopted in 1745 was simply to levy a redemption tax, a measure foredoomed to failure, and soon followed by another agitation for more paper. Disappointed at the futility of the policy adopted and anxious that his own ideas be adopted, he entered the political arena, and was elected a member of the Assembly which convened in February, 1746/7. As previously stated, he would not take the oath required of members, his affirmation was refused, and he was not allowed to take his seat.

It was in 1746, doubtless about the time of his election, that an edition of his plan for a sound currency and his criticism of the Assembly of 1744 were presented to the public by his constituents in Carteret and Onslow counties. There being no printing press in the province, the work was issued from the press of William Parks, at Williamsburg, Va. The copy from which this reprint is made is in the possession of the Massachusetts Historical Society and it is now published with the permission of that organization.

Whatever criticisms one may make of the soundness of William Borden's plan for a sound currency, it must be conceded that he had at heart the welfare of North Carolina, that he had no sympathy with existing monetary policies, and that his remedy for the adverse trade balance was ingenious. Finally, in a day and generation when government money was greatly depreciated, the due bills issued by William Borden were widely circulated and were known as "Borden's Scrip."

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AN
A D D R E S S

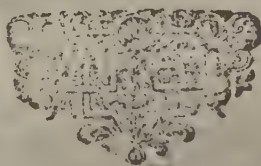
To the INHABITANTS of
NORTH-CAROLINA;

OCCASIONED

By the difficult Circumstances the Govern-
ment seems to labour under, for Want of a *Medium*, or
something to answer in lieu of Money; for the Encourage-
ment of the People, in regard to Business:

To which is added,

A PROPOSITION for a *Paper-Currency*, whereby the Possessors of
the Soil may, in a very honourable Manner, and with cheerful Hearts,
discharge their Quit-rents and publick Taxes: And whereby; also, new
Life may be given to Trade and Commerce, so far as is necessary;
which will be a natural Inducement to the fair Trader to settle and re-
side in the Government, as well as the only Means to propagate Navi-
gation (that necessary Branch of Business) in all its proper Parts.



WILLIAMSBURG.

AM PARKS, M,DCC,XLVI.

THE P R E F A C E TO THE R E A D E R

KIND READER :

WHEREAS the following Address and Propositions was put forth, under a Consideration, That we, the Inhabitants of North-Carolina, fall far short of having an equal Chance in the Value of our Labour with our neighbouring Colonies, for Want of a proper furthering Trade amongst us, put forth by William Borden, of Carteret County, for the Encouragement of the People of this Province, to procure Commodities suitable, at their just Value, that would induce Farmers to import furthering Good into the Government; whereby they may have Opportunity to purchase the furthering Necessaries at the best and cheapest Hand, by granting a new Emission of Paper Bills, lent out without Use, or any other significant Incumbrance; founded upon the Incouragement of Industry, stayed and answered in Respect of its Value, by Silver and Gold, it being their End and Center, as will more fully appear by the following Address or Proposition hereto annexed; or without Bills, as appears by a Proposition of a latten Calculation, but stitched in one Volume in Quarto; to which Propositions we refer the Reader for it is mature Consideration; and we, the Inhabitants of Carteret and Onslow Counties, that have Opportunity to peruse and weigh them, are of real Opinion, that they would be of great Benefit, and vast Advantage to the Province, if rightly carried on by Act of Assembly, and prudently managed in each County; which behooves the Inhabitants to see to; therefore we thought, for our own Interest, and the Interest of our Neighbours, ourself under an Obligation, and in Duty bound, to give our neighbouring Counties the like Opportunity to peruse and [2] weigh them; For we think them of great Importance, and the most proper Method,

seeming to us, to put them in Print, and the most likely Way to give the Inhabitants the quickest Knowledge of them; therefore we have taken that Method now, respecting the first, and Intent of the latter Proposition: We are of Opinion, That the first Proposition would be vastly more advantageous to the Province than the latter, with that Proviso Liberty can be obtained, from the King, for a new Emission of Paper Bills, if Need require; which we doubt not but He would readily grant, if there appeared Prospect of Advantage to His Province; which evidently appears in the first Proposition, viz. For a Paper Currency; and is made manifest by reasonable and sound Arguments, and proved by Arithmetick: And as to the latter, we believe it will be of great Advantage to the Province, and was calculated in case the King, upon Trial, should refuse to grant a new Emission of Paper Bills; but if we obtain our Request in that, we esteem it to be inferior to the former. Now, thinking it needless to advance further in Recommendation of them, concluding they are sufficient to recommend themselves, we shall not add, only this we have to request of our Neighbours, and Countrymen of this Province, in each County, that after a settled Perusal of them, and they appear to be warrantable, that you assent to, and pass them on to the Assembly, for their Perusal and Consideration, in order, that if there appears no other Proposition of more Weight and Value, manifest by more reasonable and sounder Arguments, proved more authentickly by Arithmetick, to be of greater Ease and Benefit to the Inhabitants of this Province, to be put into a Law.

AN
ADDRESS
To the INHABITANTS of
NORTH-CAROLINA, &c.

IT is evident, That Mankind is liable to fall into many Casualties, and meet with grievous Misfortunes, in travelling through a howling Wilderness, by taking indirect Measures and following wrong Courses: And would it not be high Ingratitude (if not a gross Sin) in any Man, who seeing his Neighbours in imminent Danger, on the Borders of a Desert, even almost arrived at the Brink of Destruction, and not call earnestly to them, and labour hard to inform them of right Ways, in which they might travel with Ease and Safety? Well,

Thus it appears, in the Eyes and Understanding of the Author, to be the very Case and present Circumstance of the inhabitants of *North-Carolina*, which gives just and necessary Occasion for all the honest hearted, who reside in the Government, to call aloud to them, and labour to advise and inform them better.

It is generally allowed, That from the Liberties of *Magna-Charta*, all free-born Subjects to the Crown of *Great-Britain*, have a native Right, not only to think their own Thoughts, but to speak freely also in all Cases, Matters, and Things, relating to their own Affairs, whether Publick or Private.

And whereas, the Government of *North-Carolina* hath Liberty, from the King, to make wholesome Laws and Statutes, agreeable to its Constitution, for a Publick Benefit; Does it not, therefore, highly behove the Inhabitants to examine and consider, strictly, how far and how often it hath been mistaken in its Views, in Times past, respecting a Paper *Medium*? Hath not our Paper *Mediums*, in Times past, instead of having a good Tendency, ever been a Snare and Perplexity, and Burthen to the People? And is it not to be feared, will end or terminate to the Ruin or [2] grievous Hurt of many of the Commonalty? However, let that terminate as it may,

what is past cannot be revoked; nor can Yesterday be recalled: But does it not now (especially at this Juncture) highly behove the Inhabitants, to shape better Courses, and take more direct Measures, respecting a *Medium*, for publick Uses, as well as for Trade and Commerce, lest the Government be reduced to the lowest Poverty, exposed to open Shame, and appear ridiculous and scandalous in the Eyes of its neighbouring Governments, and the Commonalty be destroyed in their Interests? Does it not highly behove all the Inhabitants, to a Man, to consider well, which Way they shall treat the King with Honour, in discharging themselves, not only of their Quitrents, but by relieving themselves also in all their other Affairs? And when a Method is prescribed for the one, doubtless it may serve for the other also.

But, perhaps, some may query, What Proposal can be made, whereby the King shall be honourably treated, in Regard to his Quitrents, &c? Others, perhaps, will answer and say, Let us rate our Manufactories, in Order to pay our Quitrents and publick Charges: But if it is possible to prescribe some regular Method, to pay our Quitrents in Gold or Silver, according to Patent, Will it not then be a gross Imposition, to pay the King his Dues, with our lumbering Commodities? And to say, we will make him Amends, by undervaluing our Labour, and let him have our Commodities at a low Rate: Pray what will all this amount to, but a burthensome and base Imposition upon the Inhabitants, and the only Way to dishearten the People, and give the Governments, on each Hand, the Advantage over us? And will it not, also, have a direct Tendency to discourage the further Settlement of the Country? Which all must allow will not be very consistent with the King's Interest, as well as for the common Advantage of the Province.

If this be the distressed State of *North-Carolina*, for want of a proper Currency, or useful *Medium*, whereby every Man may be enabled (honourably) to discharge his Duty to his King, in Respect to his Quitrents, as well as to promote Trade and Commerce (that necessary Article) in the Government, let it be well considered and examined into, Whether a new Emission of Paper Bills cannot be made useful to relieve the Inhabitants in their Distress, when all the former Emissions have had a Tendency, rather, to lead the Commonalty into further Intanglements, and to aggravate their Punishment? Let it be now examined into, Whether a new Emission of Bills cannot be projected, that shall afford them Relief. Cannot a Scheme

be calculated for a Paper Currency that shall circulate freely, and be serviceable, in common, to the Inhabitants, both gentle and simple, and not be liable to be hoarded up in the Chests and Coffers, and hid in Holes and Corners, and in the End be made a Trap and Snare to the Commonalty? To which may be answered, Yea; as may more fully appear, by a Scheme hereto annexed. Have not the Commonalty a native Right (according to the *English* Establishment) to hear, see, think, speak, and act, rationally, for themselves? Is not the General Assembly of *North-Carolina* constituted from Home? Does it not consist of three Branches, *to wit*, Governor, Council, and House of Burgesses, in Representation of King, Lords and Commons, in *Great-Britain*? If so, Are not then the House of Burgesses, in *North-Carolina*, one Branch of the Legislature? Are they not elected, to that Service, by the major Vote or Voice of the Commonalty? Are they not thus appointed, by each several [3] County, in the Province, to give due Attendance at the General Assembly, there to appear, as Eyes for the Commonalty, as Ears for the Commonalty, and as Mouths for the Commonalty? And, as they are thus sent forth, as it were, with the Lives and Liberties of the Commonalty in their Hands, to represent and serve the Commonalty, in carefully guarding the Country, that no unwholesome Laws be inadvertently made, that may prove burthensome and destructive to the Inhabitants; how essentially necessary is it then, for every honest-hearted Burgess, to think freely, and speak freely, in Behalf of the Commonalty, as he is in Duty bound, and, if possible, to suffer no inadvertent Proposal whatsoever, to be passed into a Law, that may in any wise be hurtful to the Commonwealth? And how vile must all such Burgesses appear, in the Eyes of every honest-hearted, thinking Man, who, for sinister Views and Self-interest Sake, will betray so great a Trust? And inasmuch as there is too great an Aptness in Man, to be warped and swayed by Self-interest and sinister Views; how essentially necessary is it therefore, for every of the Commonalty, to a Man, in every County, to be exceeding thoughtful and more than common careful, for the future, in the Choice of their Burgesses? For let it be considered; Is there any Man made a Burgess, till he is elected and created a Burgess by the Commonalty? Is it not then the Commonalties immediate Concern and Business, to elect Men, who seek to be strictly just in their Principles, who will labour faithfully, also, to serve their King and Country, with Integrity of Heart, in Matters of so great Conse-

quence as are committed to their Charge? Let it be considered further, also; Can a legal General Assembly be held in the Province without a proper Set of such Burgesses? Is not the House of Burgesses one Branch of the Legislature, without whom no authentick Law can be enacted or made in the Government? If the Case be so, let it again be considered; If wild Steerage be made in the Province, whose Door then does the Fault lie at? Does the Fault lie at the Governor's Door, who represents the King's Person, and sits in General Assembly waiting to give his Assent to all wholesome Laws that are enacted, having the Concurrence of both Houses? Let Charity be extended to the Governor; let him be excused. Is it owing then to the Council or Upper House? If it is known that the Misfortunes and heavy Burthens the Commonalty labours under, are owing to them, Why then are they not tax'd with it? Or is it not owing rather to the Weakness, Simplicity, and Folly of the Commonalty themselves, whose Right and Privilege it is, to nominate and appoint the whole House of Burgesses, who are a House of Instruments created by the Commonalty, to give Attendance in the General Assembly, in the Commonalties Stead and Place; there to act in all Matters and Things redounding to the King's Interest, and the Commonalties Good? Now if the Commonalty neglect this great Privilege and Point of their Duty, are they not then grossly to blame? If the Commonalty, instead of voting for Men of Integrity, who have the Good of the Country at Heart, will vote for selfish Men, who, with private Views, are seeking in every Shape, privately to milk and gull the Commonalty, to advance their own private interests; are not the Commonalty then much to blame, when instead of carefully chusing judicious Burgesses, who will labour faithfully to serve them in their Streights and Difficulties, and strive hard to relieve them in their Distress, do perhaps care and make Choice of heavy Task-Masters, who lord it over them? And what shall be said then in this Case? Does it [4] not evidently appear, That it is chiefly, if not altogether, owing to the Thought and Conduct of the Commonalty, whether they move forward or go backward, whether they stand still, or whether they entirely fall? How highly then does it behove them to double their Diligence, as in Duty bound, for the Interest of their King, the Promotion of his Country, and for their own Good? Can it be supposed there are any, who (knowing the miserable and distressed State the Commonalty labours under) when a solid Proposition is made in General Assembly for the

Country's Relief, that will presume to discourage or strike a Death to it, except it be such who are empty or void of Wisdom, Honesty, and common Humanity; even such whose vicious Inclinations move them to think, that by keeping the Commonalty in a State of Poverty and Distress, they may have the greater Opportunity to gull Mankind, reaching, in their Imaginations, after the Fat and the Fleece, when the poor Sheep, by being kept to short Meat, are not able to get it? Which has also a direct Tendency, not only to sink the Value of the Government and destroy its Prosperity, but it tends also, in the End, to frustrate all such Men in their vicious Views and Mistaken Notions, of acquiring Honour and Interest to themselves; and by their avaricious and mean Way of Thinking and Acting, they may be instrumental to reduce the Government and themselves also, to a low State of Poverty and Shame. Wherefore let it be duly considered, whether it is not a Duty incumbent upon the Commonalty, when they have elected their several Burgesses, to caution them strictly to observe, that whenever a Proposition is offer'd in General Assembly, in Behalf of the Publick, that nothing be acted thereon, either for it or against it, but what shall be exposed to publick View in Print, whereby the Commonalty, whose Right it is, may be satisfied, who are seeking the King's interest, and the Commalties Good, and who are (in their mistaken Imaginations) seeking their by-Ends, and pursuing their own selfish Views. With what Abhorrence ought all such selfish Burgesses to be looked upon, whose Actions, and plausible Projections and Schemes, have a direct Tendency to the Downfal, Disgrace and Shame of any People? Whereas, on the other Hand, every honest, sincere-hearted Burgess, that leaves all selfish Views, and seeks the common Good of his fellow Creatures; whose Labours, Projections and Schemes, have a Tendency to teach Frugality and promote Industry, is worthy of double Honour; without doubt it will be allowed on all Hands, that to propagate and promote Industry in the Province will redound to a publick as well as a private Good, which if wisely order'd, in a publick Manner, will produce all Manner of Necessaries of Life, so far as the Soil and Climate will bring forth: And this Thing called Industry, or Labour, with the Produce of it, must be allowed to be the Foundation and main Wheel of all Trade and Commerce; All which, if prudently entered upon, and honestly pursued, may be a Means to advance the King's Interest, by rendering his Government more valuable, and make the Commonalty a happy People; but if the

Foundation Work is never properly laid, nor the main Wheel in Trade and Commerce never set a going, how can it be expected the Buildings shall ever go forward, or that the smaller Wheels and lesser Movements shall ever go round to a publick Advantage? Does it not highly behove the Commonalty of *North-Carolina*, to behold and consider well, the miserable State of the Government? How are the Inhabitants puzzled and put to their Shifts, in regard to Trade and Commerce? And how grievously are the Commonalty streightned, in buying them Necessaries of Life, for want of a proper *Medium*? And how helpless is [5] the Province in respect to Navigation? Are not the Inhabitants (for want of a proper Navigation in the Government) obliged to purchase all their foreign Necessaries at the very last and dearest Hand? When, perhaps, a Parcel of Goods or Merchandize have passed through the Expence of Navigation &c. in the neighbouring Governments, and have passed through the Hands of many Merchants or Traders, and they have all had their Profits on them, and Livings from them, then, perhaps, poor *North-Carolina* Planters have the Honour of eating, drinking, and wearing some of the riff-raff Remains, at a dear Rate: Pray, consider, then, what all this amounts to, but a supporting Navigation and Trade in the neighbouring Governments, at the Expence of the poor *North-Carolina* Planters: And, will this do? Is it possible this can redound to the King's Honour? Will this advance his Government? Will this make the Commonalty a happy People? Have the Navigators been in a Dream? or the Compass unhung, and the Watchmen asleep? Does not the present State and Condition of the Government make it manifest? What can be said to this? Can the Honour of the King's Government, and the Commonalty of *North-Carolina*, any more be supported by this Way of Management, than a Ship without a Bottom can be supported above Water by pumping? Is it not all the same as labouring to pump the Ocean dry? Pray let this Point be well consider'd: And if any, for Information, shou'd query, What Remedy can be prescribed? Let it be observed, That the Globe consists of several different Climates; it's evident, likewise, that it produces sundry different Necessaries for the Use of Man; And, without all Doubt, it was so ordered, that Mankind shou'd have a Correspondence one with another. And whereas there is no Mill, or other Machine, can move, effectually, to the Advantage of its Maker, without Wind, Water, or some artificial Strength, to give it a Motion, so neither can the Province of *North-Carolina* hold a Correspondence

abroad, nor carry on a pleasant, profitable, and proper Trade amongst themselves, without a proper *Medium* to circulate amongst them, in Proportion, as from Time to Time there may appear to be a necessary Demand for it.

It's very evident that Nature, under the Order and Dictates of Providence, has been exceeding kind to the People of *North-Carolina*, even from its first Settlement to this Day: And may not the Advantages that Nature has afforded the Government, in Time past (considering the Manner of Improvement the Inhabitants have made of them) be compared to Rivers of Water, that run plentifully for the Use of Man? But if those Rivers are continually running out on every Hand, and are not, by some Means or other, supplied in Proportion, must they not then, of Consequence, be drained dry? And is not this evidently seen to be the State of *North-Carolina*? It is evident to our View, That it hangs, as it were, behind all the Provinces in *America*, belonging to the Realm of *Great-Britain*: Are not many of the Inhabitants very poor and needy? But notwithstanding, Friends, Neighbours, Countrymen and Partners, whose Welfare is earnestly sought for, be not disheartened, or dismayed, at the Difficulties you labour under: Let the honest-hearted amongst you be rather encouraged, and well-assured, that by a more mature Thought, and better Conduct, amongst the Commonalty, in electing and advising their House of Burgesses, there may be Methods and Means prescribed to advance the King's Honour, by putting the Province into a flourishing State, and making his Subjects a happy People; so that they who have but little in the World, may reap in a plentiful Manner, and they who have much, may advance in Proportion.

[6] The foregoing being left to your Consideration, it may not be amiss to say something respecting a *Paper Currency*; That is to say, on what Footing it may be most proper to put it forth, and how it may be most carefully improved, for the King's Interest as well as for a publick Benefit, since every common Capacity knows, or may know, that by taking wrong Paths, or indirect Measures, Mankind is led into Difficulties, if not to entire Ruin; which, in Order to escape, let the following Ideas or Comparisons be solidly considered off:

Admit there were two wealthy Householders, having, each of them, many Sons and others of the Household, and each of those Householders put forth a Quantity of Bills of Credit, for each of

their Families Use and Service; the first Householder furnishes his Sons, and others of his Household, with their several *Quotas* thereof upon Loan, making the said Bills their Mark and Center, by obliging them to pay in again the same Bills of Credit, with Interest, except they will redeem them with the Produce of their Labour at a very under Price; inasmuch then the said Bills will answer in lieu of their Labour, which they foreknow must go at an under Price: How natural is it therefore, for those Sons and Servants of his, to turn Idle-packs, by jockeying, sharking, and perplexing each other, that by any Means they may procure said Bills, to discharge their Obligations, rather than to lie under the Name or Notion of a Disadvantage? The one, perhaps, in his Streights, sells a Plantation, and another a Yoke of Oxen, the Third a breeding Mare or Cow, under a Notion of getting those Bills of Credit; which Manner of trafficking and trifling away their Time, neither adds to their Lands, nor increases their Cattle, nor cultivates the Earth; the Consequence of which is, that what the one gets, the other must loose: And by thus neglecting their proper Business, their Household comes to Poverty and Shame.

But the other Householder, wisely considering, that Food and Raiment were all that they wanted to support this Life, and inasmuch as Bills of Credit had no intrinsick Value in themselves, and, of Consequence, would be of no Service, except they were made to answer in lieu of Money, to make an even Ballance between Neighbour and Neighbour, for proper Utensils, &c. to encourage Industry, whereby to procure Necessaries of Life; he, therefore, neither obliged them, nor yet encouraged them, to pursue those Bills of Credit, (as pursuing Birds in the Air) neither did he make those Bills their Mark or Center, which, when caught, afforded them neither Food nor Feathers, but wisely made the Necessaries of Life their Mark, and Gold and Silver their Center; obliging them to bring in the said Necessaries of Life, at their just Value, whereby the Household were plentifully and cheerfully furnished with the Comforts of Life, and all were encouraged together.

Well, if this be a proper Comparison, that conveys any Idea, is it not Time then to consider well of what is already written, together with the Tendency of it? and also of the great and mighty Handy-works of the Creation, which are evident to our View, and may teach to any People Knowledge? It is evidently seen that all Sorts of Creatures, of what Kind soever, have, in some Sort, a Scrabble in the World to live and support their Species; some Beasts, in

the Wilderness, feed upon Grass, and other Herbs, and some upon other Fruits of the Earth; the Catterpillar spins her Webb on the Oak or Apple Tree, and depends for Food on the Leaves thereof, which come by Nature, (without any Cultivation or Propagation of their [7] own) and they often times eat themselves out and perish; Some Sort of Birds find Use for Hair and Feathers, to build their Nests, others make Use of Sticks; the fishing Hawk is diligent (after her Kind) to get Fish for the Support of herself and Specie; the Eagle, we may observe, is very dexterous, also, to look out sharp, tho' not with any View of lending the industrious Hawk a helping Hand, lest they shou'd both come to Poverty and Want; but the brightness of her View is only to take away what is already caught.

In a peculiar Manner, we may behold the industrious Bees; it may be observed of them, that so soon as they are quietly hived and got settled, and not confused in their own Government, they immediately set to work with Courage, and gather their Wax, and draw Honey from almost all Sorts of Flowers: We may observe also the Toad, which is an Annimal that often lies partly hid under Ground, whose native Food is Worms, Flies, and Fleas; notwithstanding which, at Times, they will hop round those Hives of Bees, and when they find them engaged in their Wax and Honey, they are so avaricious and hungry after them (whether by Instinct or ill Habit I leave) that without any Thought how, or wherewith they shall be supported for the future, they make those industrious Bees their Prey; and those Bees, with their Honey in their Bowels, (when eaten by them) altho' extracted from spacious Flowers, yet it's the Nature of that under-ground Animal to convert it to Poison, yea, of a poisonous Quality to all those who suffer their Hands to partake thereof or their Heads to be infused with it: And it is even further worth our Observation, that when diligent Bees multiply and swarm, the young Swarms, naturally incline to assume to themselves their native Manner and Form of Government; notwithstanding which, many of them (through Loss of their native Guide, or Want of proper Aid) get shatter'd, confused, and become useless in the Creation, even unworthy of Notice, although surrounded with rich and spacious Flowers: How apt are such ill-governed, shattered, and confused Swarms (for want of regular Guides to lead them in a native and free Manner) to grow lazy, contentious and quarrelsome? In and amongst such Swarms, Strife is often created, (no doubt with some seeming, though rude, Authority) whereby they are prompted, in an

angry Humour, to sting, poison, and kill each other, to the total destruction and Overthrow of themselves, even in their own Hives. Now, were it given to those Bees (which are created innocent in their own Nature) to conceive and see clearly, that the Reason of their lazy, indolent, contentious, and quarrelsome State, was owing to a poisonous Disposition in their unnatural Guides, by which they have suffered themselves to be governed; and could see also, it's poisonous Quality, how nearly resembling the Toad, that converts all he commands with his Mouth to Poison: How natural is it to conclude, that those disordered and misled Swarms would be surprized at their own State and Condition, and be ready to fly for Shame, with Abhorrence of their past rude Conduct, and consult better Measures, to establish their Hive in a peaceable and better Settlement for the future.

But Mankind (the most noble of all in the Creation) seeing the Weakness and Frailty of all those Creatures, it may be reasonably thought and expected of and from them, That they will act upon more rational Principles, in getting the Necessaries of Life, and supporting their Specie in the World, than either the dumb Beasts of the Field, the flighty Fowls of the Air, or the creeping Insects which crawl upon the Face of the Earth.

[8] And is it not evident also to our View, that when a Hive of Bees are not shattered nor confused amongst themselves, but having regular Guides to aid them in a prudent Manner, How mutually do they proceed in their Business? whose Interest is inseparable, they being dependent one on another, in regard to the Preservation and Support of each other; all being engaged and employed in their proper Work, to the mutual Advantage of their little Community. And how do they carry on their Affairs together, with far more Dexterity and Ingenuity, Yea, far more honourable, in providing and procuring their Necessaries, than many of the Creatures forementioned.

May it not then reasonably be thought and expected of and from Man, (a rational Being) that they should far exceed the Bee (a poor Insect) in their Method and Manner of prescribing Ways and Means that shall tend to a general Advantage of a Government? These Similes or Comparisons may serve to convey cautionary Ideas, in order that nothing may be projected on the one Hand, or adhered to on the other, but what may tend strictly, to the Revival and Preservation of a sinking Government; the only Remedy and Means, whereby

both Province and People, in their distress'd State and Condition, may be rebuilt, repaired and recovered, and like as all industrious well-governed Swarms of Bees are prosperous in gathering their Wax and Honey, even so both Gentle and Simple may be made to abound, in a plentiful Manner, with all the Comforts of this Life, by Dint of Industry and good Husbandry: For as those former Benefits and Privileges, we have received, that came as it were by Nature from the Wilderness, served the Inhabitants, then in the Infancy of the Province, as well for a *Medium* as for Food and Raiment; it is now evident to our View, that those native Benefits have had their Time, they are almost eaten out and gone; Is there not then a Duty incumbent upon us, to emulate or strive to excel the Catterpillar, in labouring to encourage and assist each other, to cultivate and propagate something, substantial, in lieu thereof? In order that it may be so, I am willing (if it may be so received) to cast in a Mite, in some proper Structure or Building, furnished with all necessary Proposals, founded upon Reason, that may invite the Governor, Council, and House of Burgesses to view it; tending strictly to the mutual Benefit and Welfare of the Province of *North-Carolina*; having due regard to the King's Honour and Interest therein, which consists in the Prosperity and flourishing State of his Kingdom and People. And whereas the Government of *North-Carolina* labours, perhaps, under almost as many Difficulties as can be named, for want of a proper *Medium*, the following Proposition is therefore offered to the mature Consideration of the Province, together with some Accounts, stated in Form, shewing (according to the Author's Apprehension) the great Benefit and Advantage that would accrue to the Government, by granting an Emission of Bills of Credit, upon the Faith and Credit of the Province, Liberty first of all (with due Submission) being asked and obtained from the King, if Need be.

Admit therefore the Government was to grant an Emission of an Hundred Thousand Pounds, Bills of Credit; be the Sum more or less, as may discretionally, be adjudged there should be a necessary Demand for; the said Bills to be made equal in Value to Proclamation, as established by Parliament, and to go forth upon Loan, on Land Security, for the Encouragement of Industry, and the landed Interests, which it behoves every wise Planter to consult: The natural Tendency of which Scheme [9] (if rightly considered) is, that those Bills of Credit (if wisely negotiated) will terminate to the furnishing

the publick Treasury with an equivalent Sum, in Gold and Silver, to redeem them; and they also, in the mean Time, be a Means (gradually) to introduce a lively Trade in the Government; which will admit of a Growth, and may, eventually, be far more valuable to the Province, than ten Times the Value given it from far, which will as evidently appear hereafter.

It is further proposed, That an Agent, or faithful Trustee, be appointed (by a Majority of Votes) in each County, by Act of Assembly, in order to receive their several Counties *Quotas*, or Proportion, of the said Bills of Credit, with proper Instructions: That those Trustees dispose of said Bills upon good warrantable Land Security, free of Interest or any other Incumbrances: Saving only, the proportionable *Quota*, or Part of the Charge of Plates, Paper, Printing and Signing; with necessary Expences in making said Bills of Credit; on Conditions, that the Borrower pay, annually, into the Hands of the Agent or Trustee aforesaid, the one tenth Part of what he received, in good merchantable Commodities, of the Produce and Manufacture of the Government (meaning such Commodities only, as are suitable for a foreign Trade or Market) and at such Prices as the same Commodities are sold for, in common, at *Philadelphia* or elsewhere in the neighbouring Governments, for Money of equal Value; by which Means those County Agents or Trustees, at ten annual Periods, will gradually be possessed of the whole Value of said Emission of *Paper Currency*, in good Country Produce, even such as in itself is valuable; and let those Agents or Trustees be so qualified and furnished with Instructions, that, as they receive those annual Tenths, in Country Produce as aforesaid, they may have Orders also, to sell the said Country Produce, or barter it away, to and with any Ship Masters and Merchant Traders, as shall and may import suitable Goods or Merchandize into the Government; always observing, duly, to contract with the said Ship Masters and Merchant Traders, that one Quarter Part of the Pay for said Country Produce, be in Gold and Silver, and the other three Quarters in Goods and Merchandize by Wholesale, for the Account and best Advantage of the Province; even such Goods and Merchandize as may be adjudged the most suitable for the Use and Service of the Inhabitants; and when the said Goods and Merchandize are so purchased, by the Agent or Trustee, by Wholesale, for

the Account and Service of the Province, let those Agents or Trustees be impower'd further to sell or barter the same away, in small Parcels, to and with the Inland Traders and other Inhabitants for the Produce and Manufacture of the Government as aforesaid; even such Commodities as is or may be suitable for a *West-India* Trade or Market; always observing, duly, that a reasonable Advantage be made in the Sale of the Goods and Merchandize, aforementioned, in order to defray the Commissions and necessary Charges that shall or may accrue upon negociating the Affair; and in like Manner, let those Produce or Manufacture of the Province, so purchased, be again sold to Ship Masters and Merchant Traders, as aforesaid, for one Quarter Gold and Silver, and the other three Quarters in *West-India*, or other suitable Goods, and Merchandize, fit for the Use and Service of the Inhabitants: The Silver and Gold so purchased and received to go, annually, into the publick Treasury; and the Goods and Merchandize so purchased and received, by the Agents or Trustees, to be again negociated in like Manner as before described, and so on. By which Means, if the Affair is prudently [10] negociated, it evidently appears, (to the Author's Understanding) that at the Expiration of a reasonable Term of Years, the Treasury would be furnished with One Hundred Thousand Pounds, in Gold and Silver, absolutely and clearly gained to the Province, by honest Industry; which will be there a valuable Pledge. (Let this be noted) that this Gold and Silver, so gained, will be lodged in the publick Treasury, a valuable Pledge, which will keep up the Value and Credit of the said Bills; and whenever the Government thinks fit to put a Period to their passing as a *Medium*, the said Gold and Silver is there, ready, to redeem them from those who have them in Possession. Now if this Hundred Thousand Pounds, Bills of Credit aforementioned, (which in themselves are of no Value) may have a Tendency to furnish the transient Traders, and all Buyers and Sellers in the Province, with a wholesome and safe *Medium* in their Trade and Commerce, and may tend also to enable the Government to introduce, carry on, and support a lively Trade, according to the provincial Scheme afore described; and out of their Nothingness, may tend (with prudent Management, in a reasonable Run of Years) to enrich the Province with One Hundred Thousand Pounds in Gold and Silver, (which in itself has an intrinsick Worth)

therefore I query: If this Proposition were set on Foot, and was thus to operate, to the enriching the Government a Hundred Thousand Pounds, in a reasonable Run of Years, pray, who then has the Inhabitants of the Province been at work for? Hath it not been for themselves? Is it not evident, that they borrow the Money of themselves? Do they not set themselves up in the World upon their own Foundation, even upon the Value and Credit of their Lands; and by one Consent have improved those Bills to their own Advantage, without Use or any other significant Incumbrance, saving only the Charge of making them; which is paid also out of the same Specie?

Thus, the Author is of Opinion, It may be clearly seen, that the Province of *North-Carolina*, from its miserable State of Poverty, (saving the solid Soil, which is immoveable) may not only provide itself with a credible *Medium*, to stand fast and steady in its Value, but may thereby raise itself up in the World, and be enabled to build on a right Foundation; even first of all, in their Business at Home; secondly, on a proper Bottom, for Navigation, Trade, and Commerce Abroad; and save themselves from the vast Charge of supporting Navigation, in the Neighbouring Governments, at the Expence of the Inhabitants of *North-Carolina*.

Hence may also be seen, on due Consideration, That the Streams formerly mentioned, which are running out on every Hand, to the impoverishing both Publick and Private, may, by this Scheme, (if honestly pursued and improved) be turned and brought home, proportionately, to every of our Doors; whereby the Welfare of the Country may be credibly recovered, to the Honour of the King, and to the common Comfort of all the Inhabitants.

And further to evidence, That such a Scheme, improved in such a Manner, would have such a Tendency; the following explanatory Accounts are formed, under a Supposition, that a Hundred Thousand Pounds were granted, by Act of Assembly, as aforementioned; and that Ten Thousand Pounds, of the same, were allotted as a proportionable *Quota*, to be negociated by an Agent or Trustee in *Craven County*, for the Account, common Benefit, and Use of the Province of *North-Carolina*; and the Formation of the aforementioned Accounts is introduced by an Account [11] stated, by a supposed Agent or Trustee, for *Craven County*, betwixt the Province of *North-Carolina* and himself, (Agent or Trustee) in Manner following:

Province of *North-Carolina*, to and with *Timothy Toaster*, Agent, or Trustee, for *Craven County*.

North-Carolina, Dr. Contra Cr.

1745. *Sept. &c.*

Fol. 00. By Bills of Credit, received of and from the Province Treasurer, to be improved according to Instructions, for Account and best Advantage of the Province aforesaid and to be accounted for in like Manner, agreeable to Act of Assembly,

£10,000 00 00

N. B.—The above 10,000 *l.* is to be lent to the Planters, on Land Security, free of Interest &c. as the Scheme specifies.

1747. *Sept.*

Fol. 15. To Gold and Silver, for so much conveyed this Day into the Treasury, it being a Quarter Part of one annual Tenth of the Paper Scheme, as negotiated in *Craven County*, for *Anno* 1746. supposed to be five Turns in Trade, *viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
The first Turn-----	250	00	00
Second Turn-----	225	00	00
Third-----	202	10	00
Fourth-----	182	05	00
Fifth-----	164	00	06
	<hr/>		
	1023	15	06
	<hr/>		

But for conveniency of more easily conveying the intended Idea, the following Accounts run upon 1000 *l.* supposed to be one annual Tenth, or First Payment, from the Planters to the Agent, or Trustee aforesaid.—And let it be noted that the said One Thousand Pounds is negotiated, carried on, and calculated, for five Turns in Trade and Commerce.-----

l. *s.* *d.*

1000 00 0

1747. *Sept.*

Fol. 14. By Goods and Merchandize, *per* Draught on the Treasury, for what is over paid in Gold and Silver,-----

23 15 06

1023 15 06

[12] *Timothy Trimsquare*, of *Craven County*, Planter, his Account with
Timothy Toaster, Agent for the County aforesaid.

<i>North-Carolina</i>	<i>Dr.</i>	<i>Contra</i>	<i>Cr.</i>
	<i>l. s. d.</i>		<i>l. s. d.</i>
1745. <i>Octo. &c.</i>			
<i>Fol. 00. To Bills of</i>		<i>Fol. 13. By Country</i>	
<i>Credit upon Loan, as</i>		<i>Produce, One annual</i>	
<i>per Mortgage Deed,</i>		<i>Payment, receiv'd</i>	
<i>&c. dated October,</i>		<i>this Day, Oct. &c.</i>	
<i>1745, to be paid annu-</i>		<i>1746. -----</i>	
<i>ally, a 10th Part</i>			
<i>thereof in the Pro-</i>	5000 00 00		500 00 00
<i>duce and Manufac-</i>			
<i>ture of the Province,</i>			
<i>as the Law directs,</i>			
<i>the First annual Pay-</i>			
<i>ment becoming due</i>			
<i>Oct. &c. 1746.-----</i>			

N. B.—That in negotiating this Branch of the Business, there will arise a Charge of Commissions, for the Agents, or Trustees Trouble; which may be defrayed, in Manner, as the Assembly may see to be most convenient.

Leonard Loveliquor, of *Craven County*, Planter, his Account with *Timothy Toaster*, Agent, or Trustee, &c.

<i>North-Carolina,</i>	<i>Dr.</i>	<i>Contra</i>	<i>Cr</i>
	<i>l. s. d.</i>		<i>l. s. d.</i>
1745.			
<i>Fol.—To Bills of</i>		<i>Fol. 13. By Country</i>	
<i>Credit, upon Loan, as</i>		<i>Produce, One annual</i>	
<i>per Mortgage Deed,</i>		<i>Payment, receiv'd</i>	
<i>&c. dated Oct. 1745.</i>		<i>this Day, Oct. &c.</i>	
<i>to be paid annually,</i>		<i>1746. -----</i>	
<i>a Tenth Part thereof</i>			
<i>in the Produce and</i>	5000 00 00		500 00 00
<i>Manufacture of the</i>			
<i>Province, as the Law</i>			
<i>directs; the First</i>			
<i>annual Payment be-</i>			
<i>coming due Oct. &c.</i>			
<i>1746. -----</i>			

—Thus the aforementioned Bills of Credit are lent out to the Planters, on Land Security: And the next Action in the Affair, is to receive in the annual Tenths for which an Account is also stated.

[13] Country Produce, or Manufacture of the Province, as the Law directs, in the Paper Scheme.

1746. North-Carolina, Oct.	Dr. l. s. d.	1746. Contra. Nov.	Cr. l. s. d.
<i>Fol. 12. To Timothy Trimsquare, for one annual Payment of his Loan Money, receiv'd this Day in Country Produce, as Pork, Beef, Lumber, &c.-----</i>	500 00 00	<i>Fol. 14. By Tom Thumb, Commander of the Sloop Rover, for Pork, Beef, Lumber, &c. sold him, agreeable to Act of Assembly, to be paid, one Quarter in Gold and Silver, the other three Quarters in Goods and Merchandize,-----</i>	1000 0 0
<i>Oct.</i>			
<i>Fol. 12. To Leonard Lovelliquor, for his annual Payment of his ditto, in like Manner,-----</i>	500 00 00		1000 0 0
	1000 00 00		
<i>Dec.</i>		<i>Jan.</i>	
<i>Fol. 16. To Jeffry Jillpot and Co. for Sundries receiv'd of them, as Beef, Pork, Lumber, &c. for Account of the Province,-----</i>	900 00 00	<i>Fol. 17. By Stephen Sagamore, Commander of the Sloop Good-Luck, for Pork, Beef, Lumber, &c. to be paid in Manner as aforesaid,-----</i>	900 00 0
<i>1746-7. Mar.</i>		<i>1747. April.</i>	
<i>Fol. 15. To ditto, for ditto, receiv'd in like Manner, amounting to-----</i>	810 00 00	<i>Fol. 17. By Peter Punch, Merchant, Commander of the Brigantine Diver, for Beef, Pork, Lumber, &c. sold him, to be paid for, in Manner as aforesaid,-----</i>	810 00 0
<i>1747. May.</i>		<i>June.</i>	
<i>Fol. 16. To ditto, for ditto, receiv'd in like Manner; for Account of the Province, amounting to-----</i>	729 00 00	<i>Fol. 17. By ditto, for a Parcel of Pork, Beef, Lumber, &c. receiv'd in like Manner,-----</i>	729 00 0
<i>July.</i>		<i>Aug.</i>	
<i>Fol. 16. To ditto, for ditto, receiv'd in like Manner; for Account of the Province,-----</i>	656 02 00	<i>Fol. 17. By ditto, for Pork, Beef, Lumber, &c. receiv'd in like Manner,-----</i>	656 02 0

[14] *Tom Thumb, Commander of the Sloop Rover.*

1746.	<i>North-Carolina,</i>	Dr.	1746.	<i>Contra</i>	Cr.
<i>Nov.</i>		<i>l. s. d.</i>	<i>Nov.</i>		<i>l. s. d.</i>
<i>Fol. 13. To Country</i>			<i>Fol. 14. By Goods and</i>		
Produce, Pork, Beef,			Merchandize so much		
Lumber, &c. sold and			receiv'd of him, ac-		
delivered him on Con-			cording to Contract,		750 00 00
ditions, that he pays					
for the same, one			<i>Fol. 15. By Gold and</i>		
fourth Part in Gold			Silver, receiv'd of		
and Silver, and the			him, according to		
other three Fourths			Contract, in full,---		250 00 00
in suitable Goods	1000 00 00				
and Merchandize; for					
Account of the Prov-					
ince,-----					1000 00 00

Goods and Merchandize, for Account of the Province.

1746.	<i>North-Carolina,</i>	Dr.	1746.	<i>Contra</i>	Cr.
<i>Nov.</i>		<i>l. s. d.</i>	<i>Decem.</i>		<i>l. s. d.</i>
<i>Fol. 14. To Tom</i>			<i>Fol. 16. By Jeffry Jill-</i>		
<i>Thumb,</i> Commander			<i>pot and Comp. Inland</i>		
of the Sloop <i>Rover,</i>			Traders, for Goods		
for sundry Goods and			sold them, in Par-		
Merchandize, re-			cels,-----750 00 0		
ceiv'd of him, ac-	750 00 00		Advance at		
cording to Contract,			20 per cent. 150 00 0		
Value-----					900 00 00
<i>Jan.</i>			1746-7. <i>Mar.</i>		
<i>Fol. 17. To Stephen</i>			<i>Fol. 16. By ditto, for</i>		
<i>Sagamore,</i> Command-			Goods sold them, in		
er of the Sloop <i>Good-</i>			Parcels, ----675 00 0		
<i>Luck,</i> for ditto, the			Advance at		
second Turn in Trade	675 00 00		20 per Cent. 135 00 0		
					810 00 00
1747. <i>Apr.</i>			1747. <i>April.</i>		
<i>Fol. 17. To Peter</i>			<i>Fol. 16. By ditto, for</i>		
<i>Punch,</i> Mercht. Com-			Goods, in like Man-		
mander of the Brig.			ner, -----607 10 0		
<i>Diver,</i> for a Parcel			Advance at		
of Goods and Merchan-			20 per Cent. 121 10 0		
dize, the third Turn	607 10 00				729 00 00
in Trade,-----					

June.

<i>Fol. 17.</i> To ditto, for a Parcel of Goods and Merchandize, the 4th Turn in Trade,-----	}	546 15 00
---	---	-----------

Aug.

<i>Fol. 17.</i> To ditto, for a Parcel of Merchan- dize, the fifth Turn in Trade,-----	}	492 01 06
---	---	-----------

Sept.

<i>Fol. 11.</i> To the Prov- ince of <i>North-Caro-</i> <i>lina</i> , for a Draught on the Treasury, it being so much over- paid, in Gold and Sil- ver,-----	}	23 15 06
	}	3095 02 00

To sundry Charges for Commis-
sions, Porterage, Housing, &c.
which were omitted heretofore, on
Purpose, for Conveniency Sake,

*Transferred to Folio 18.**July.*

<i>Fol. 16.</i> By ditto, for Goods and Merchan- dize parcelled out, in like Manner, 546 15 0 Advance at 20 per Cent. 109 07 0	}	656 02 00
	}	3095 02 00

Sept.

<i>Fol. 16.</i> By ditto, for a Parcel of Merchan- dize, being the Pur- chase of the fifth Turn in Trade, con- tracted to be paid in Bills of Credit, for the Use of the Prov- ince, -----492 01 6 Advance at 20 per Cent. 98 08 3	}	590 09 09
	}	3685 11 09

Transferred to Folio 18.

[15]

Gold and Silver, for Account of the Province.

1746.	North Carolina,	Dr.	1747.	Contra	Cr.
Nov.		l. s. d.	Sept.		l. s. d.
Fol. 14.	To Tom Thumb, Commander of the Sloop Rover, receiv'd the Quarter Part, according to Contract, it being the first Turn in Trade,	250 00 0	Fol. 11.	By the Province of North-Carolina, for so much Gold and Silver, paid this Day into the Treasury, agreeable to Act of Assembly, &c. it being the Produce of one annual Tenth of the Paper Scheme, as negotiated for Craven County	1023 15 6
Jan.					
Fol. 17.	To Stephen Sagamore, for so much receiv'd, being a second Turn in Trade,	225 00 0			
1747. Apr.					
Fol. 17.	To Peter Punch, Merchant, Commander of the Brigantine Diver, for so much receiv'd, in like Manner, on a third Turn in Trade,	202 10 0			
June.					
Fol. 17.	To ditto, for so much receiv'd, in like Manner, on a fourth Turn in Trade,	182 05 0			
Aug.					
Fol. 17.	To ditto, for so much receiv'd, in like Manner, on a fifth Turn in Trade,	164 00 6			
		1023 15 6			

[16] *Jeffry Jillpott and Company, of Craven County, Inland Traders, &c.*

1746. *North Carolina,* Dr.
Dec. l. s. d.

Fol. 14. To Goods and Merchandize, for Sundries, sold and delivered them, in Parcels, to be paid for in Country Produce, as *per* Act of Assembly, amounting to-- 750 00 0
Advance at 20 *per Cent.* 150 00 0

900 00 0

1746-7. *March.*

Fol. 14. To *ditto*, parcelled out, and to be paid for in like Manner, amounting to----- 675 00 0
Advance at 20 *per Cent.* 135 00 0

810 00 00

1747. *May.*

Fol. 14. To *ditto*, in like Manner, ----- 607 10 0
Advance at 20 *per Cent.* 121 10 0

729 00 0

July.

Fol. 14. To *ditto*, in like Manner, ----- 546 15 0
Advance at 20 *per Cent.* 109 07 0

656 02 0

Sept.

Fol. 14. To *ditto*, for a Parcel of Merchandize, being the Purchase of the fifth Turn in Trade; for which they are to pay, in Bills of Credit, for Account of the Province, ----- 492 01 6
Advance at 20 *per Cent.* 98 08 3

590 09 9

1746. *Contra* Cr.
Dec. l. s. d.

Fol. 13. By Country Produce, for Beef, Pork, Lumber, &c. receiv'd of him for Account of the Province, ----- 900 00 0

1746-7. *March.*

Fol. 13. By *ditto*, receiv'd in like Manner, for Account of the Province, ----- 810 00 0

1747. *May.*

Fol. 13. By *ditto*, receiv'd in like Manner, for Account of the Province, ----- 729 00 0

July.

Fol. 13. By *ditto*, receiv'd in like Manner, for Account of the Province, ----- 656 02 0

[17] *Stephen Sagamore, Commander of the Sloop Good-Luck.*

1746.	<i>North-Carolina,</i>	Dr.	1746.	<i>Contra</i>	Cr.
<i>Jan.</i>		<i>l. s. d.</i>	<i>Jan.</i>		<i>l. s. d.</i>
<i>Fol. 13.</i>	To Country Produce for Sundries sold him, as Beef, Pork, Lumber, &c. to be paid, the one Quarter in Gold and Silver, the other three Quarters in Goods and Merchandize, for Account of the Province; Value-----	900 00 0	<i>Fol. 14.</i>	By Goods and Merchandize, for Sundries, as <i>per</i> Agreement, according to Act of Assembly, for the Use of the Province; Value---	675 00 0
			<i>Jan.</i>		
			<i>Fol. 15.</i>	By Gold and Silver, receiv'd in full, for Account of the Province, -----	225 00 0
					900 00 0

Peter Punch, Merchant, Commander of the Brigantine Diver.

1747.	<i>North-Carolina,</i>	Dr.	1747.	<i>Contra</i>	Cr.
<i>April.</i>		<i>l. s. d.</i>	<i>April.</i>		<i>l. s. d.</i>
<i>Fol. 13.</i>	To Country Produce, for Sundries sold him, as Beef, Pork, Lumber, &c. to be paid, one Quarter in Gold and Silver, the other three Quarters in Goods and Merchandize, agreeable to Act of Assembly; Value -----	810 00 0	<i>Fol. 14.</i>	By Goods and Merchandize, so much receiv'd agreeable to Contract, for the Use of the Province, Value---	607 10 0
			<i>Fol. 15.</i>	By Gold and Silver, receiv'd in full Payment, <i>per</i> Agreement, -----	202 10 0
					810 00 0
			<i>June.</i>		
<i>June.</i>			<i>Fol. 14.</i>	By Goods and Merchandize receiv'd, agreeable to Contract, for the Use of the Province, -----	546 15 0
<i>Fol. 13.</i>	To <i>ditto</i> , for a Parcel of Pork, Beef, Lumber, &c., sold him, to be paid for in like Manner as formerly, for Account of the Province, -----	729 00 0	<i>Fol. 15.</i>	By Gold and Silver, receiv'd in full, <i>per</i> Agreement, for the Use of the Province, -----	182 05 0
					729 00 0
<i>Aug.</i>			<i>Aug.</i>		
<i>Fol. 13.</i>	To <i>ditto</i> , for a Parcel of Country Produce, in like Manner, for Province Account, -----	656 02 0	<i>Fol. 14.</i>	By Goods and Merchandize receiv'd, agreeable to Contract, for the Use of the Province, -----	492 01 6
			<i>Fol. 15.</i>	By Gold and Silver, receiv'd in full, by Agreement, for the Use of the Province, -----	164 00 6
					656 02 0

[18]

Goods and Merchandize continues.

1747.	North-Carolina,	Dr.	1747.	Contra	Cr.
Sept.		l. s. d.	Sept.		l. s. d.
—To Foot of Account			—By Foot of Account		
brought from <i>Folio</i> 14.	3095	2 0	brought from <i>Folio</i> 14.	3685	11 9
<hr/>					
—To sundry Charges for					
Commissions, Porterage,					
Housing, &c. as afore-					
said, <i>viz.</i> Commissions,					
&c. on Country Produce;					
the first receiving in, at					
2 and a Half <i>per Cent.</i>					
on 1000 <i>l.</i>					
<i>October</i> , 1746. -----	25	00 0			
<i>Nov.—Ditto</i> on Sales					
thereof at 2 and a half					
<i>per Cent.</i> -----	25	00 0			
Half Commissions for					
receiving Goods and					
Merchandize, in the first					
merce, -----	12	10 0			
Turn in Trade and Com-					
<i>Dec.</i> —Commissions, &c.					
at two and a half <i>per</i>					
<i>Cent.</i> for Sales of					
Goods and Merchandize,					
on 900 <i>l.</i> -----	22	10 0			
<i>Jan.—Ditto</i> , for receiving					
Country Produce, at 2					
and a half <i>per Cent.</i> on					
900 <i>l.</i> -----	22	10 0			
<i>Ditto</i> , on Sales of <i>ditto</i> ,	22	10 0			
Half Commissions, for					
receiving Goods and					
Merchandize, the 2d					
Turn in Trade,-----	11	05 0			
—Commissions, &c. at 2					
and a half <i>per Cent.</i> for					
Sales of Goods and Mer-					
chandize, on 810 <i>l.</i> ----	20	05 0			
<i>Ditto</i> , for receiving					
Country Produce, -----	20	05 0			
<i>Ditto</i> , for sale of <i>ditto</i> ,	20	05 0			
Half Commissions for					
receiving the Goods and					
Merchandize, the 3d					
Turn in Trade,-----	10	02 6			
	212	02 6			
	<hr/>				

Transferred to *Folio* 19.

[19]

Goods and Merchandize continues.

1747.	<i>North-Carolina,</i>	Dr.	1747.	<i>Contra</i>	Cr.
		<i>l. s. d.</i>			<i>l. s. d.</i>
To Foot in <i>Folio</i> 18,-----	3095	02 0	By Foot in <i>Folio</i> 18,-----	3685	11 9
To Foot brought forward					
short, -----	212	02 6			
Commissions for Sale of					
Goods and Merchandize,					
at 2 and a half <i>per Cent.</i>					
on 729 <i>l.</i> -----	18	04 6			
<i>Ditto</i> , for receiving Coun-					
try Produce,-----	18	04 6			
<i>Ditto</i> , for Sales on Coun-					
try Produce,-----	18	04 6			
Half Commissions, for re-					
ceiving the Goods and					
Merchandize, the 4th					
Turn in Trade,-----	9	02 0			
Commissions, for Sale					
of Goods and Merchan-					
dize, at 2 and a half <i>per</i>					
<i>Cent.</i> on 656 <i>l.</i> 2 <i>s.</i> -----	16	08 4			
<i>Ditto</i> , for receiving Coun-					
try Produce,-----	16	08 4			
<i>Ditto</i> , for Sales of Coun-					
try Produce,-----	16	08 4			
Half Commissions, for re-					
ceiving Goods and Mer-					
chandize, the fifth Turn					
in Trade,-----	8	04 2			
Commissions for Sale of					
Goods and Merchandize,					
at 2 and a half <i>per Cent.</i>					
on 590 <i>l.</i> 9 <i>s.</i> 9 <i>d.</i> it being					
the last Parcel sold to					
<i>Jeffry Jillpott</i> and Com-					
pany in <i>Sept.</i> 1747.-----	14	16 9			
	3443	06 2			
Ballance due, in Favour					
of the Province of					
<i>North-Carolina</i> , remain-					
ing under the Care and					
Notice of the Agent or					
Trustee,-----	242	05 7			
	3685	11 9			

Craven County, North-Carolina,

September, 1747.

Errors excepted, *per*

Timothy Toaster, Agent.

or Trustee for Craven
County.

[20] Thus, from the foregoing Accounts (by diligently negotiating one annual Tenth or Thousand Pounds, in *Craven* County) is shewn, That in five Times turning the said Thousand Pounds; whether it be accomplished in one Year, or whether it may require more Time than a Year; be that as it may; yet it evidently appears, that by five Turns of said Thousand Pounds, in Trade, there is, thereby, conveyed into the publick Treasury a Thousand Pounds, in Gold and Silver; and at the same Time there is an out-standing Debt, remains due to the Province (from *Jeffry Jillpot* and Company) of Five Hundred and Ninety Pounds Nine Shillings and Nine Pence, contracted to be paid in Bills of Credit; which is sufficient to pay the Agent or Trustee, Three Hundred Forty Eight Pounds Four Shillings and Two Pence, for his Commissions, Portage, &c. and when said Charges are so paid, there yet remains due, from *Jeffry Jillpot* and Company (in Favour of the Province) Two Hundred Forty Two Pounds Five Shillings and Seven Pence, in Bills of Credit: And it is likewise farther to be considered, that the One Thousand Pounds aforesaid, has not only, in five Turns in Trade, furnished the Treasury with One Thousand Pounds in Gold and Silver, clear of Charge, with Two Hundred Forty Two Pounds Five Shillings and Seven Pence, good to the Province, in Bills of Credit; but the Inhabitants of *Craven* County has been, perhaps, supplied in the mean While with *West-India* Goods, and other Necessaries, for their Use and Comfort, to the Value of Three Thousand Seventy One Pounds Six Shilling and Six Pence, at prime cost.

Now, if this be the good Effects of negotiating and turning One Thousand Pounds, in *Craven* County, Pray, let it be considered, That as this is but One annual Tenth of what is negotiated in the Province; the Treasury, then of Consequence, will be furnished or supplied, from the several Counties in the Province, with Ten Thousand Pounds, for every five Turns in Trade; and will have good in its Favour at every five Turns in Trade aforesaid, Two Thousand Four Hundred and Twenty Two Pounds Fifteen Shillings and Ten Pence in Bills of Credit.

Now whereas it so evidently appears, That this Scheme hath so grand a Tendency to a publick Benefit, as well as of private Service in the Province; therefore if any other Schemes, for a Paper Currency, is proposed in the Province, pray let their Authors produce them, that they may be examined and proved, whether they are of

equal Weight, or whether they will, eventually, contribute more than this to a publick Good; whereby the Inhabitants may also be in a Capacity, honourably, to discharge their Duty to their King, in regard to Quitrents, &c.

N. B. The foregoing Script is left to the mature Thought of all judicious People in the Government, who have Opportunity of reading it; and it is referred to their solid Consideration. And as the Author conceives it is evidently manifest, that there would be an Advantage to the Publick, by thus encouraging the Inhabitants, in Manner Aforesaid, to bring in the Produce of their Labour, in lieu of Bills of Credit, a Query therefore arises, Whether it would not be as proper a Method to bring in the Value of the Quitrents in like Manner, seeing it appears, evidently, to be in no wise chargeable to the Publick; but quite the Reverse; as is sufficiently manifested, by the Run of Accounts hereto annexed?

But as a Town or City cannot so properly be built in a Year, even so this, perhaps, may (gradually) be brought to pass. In the mean Time, it's the Author's [21] Opinion, that the Quitrents may also be discharged in the aforementioned Bills of Credit, in as much as they are equal in Value to Proclamation: And it may, perhaps, without Difficulty be so ordered, that the Receiver General may, at proper Seasons, exchange them in the Treasury, for Gold and Silver; and when said Bills are so brought home and centered in the Treasury, there arises another Query; Whether the same Bills, so brought home as aforesaid, may not, by a new Life given them, by Act of Assembly, be again lent out in Manner as formerly, to supply their Place again, as a Medium?

Farewell.

AN
ADDRESS
To the BURGESSES of
NORTH-CAROLINA.

Second Month, 1745

HAVING a native Right to advise with you, who represent the Government, (as I doubt not, upon due Consideration, but you will readily grant), be pleased then to peruse the following Lines, *viz.*

I, having heard that you are returned home from the General Assembly, may say, am surprized to hear so little you have done, tending to a Publick Good: I wou'd query; Have you weightily considered the miserable distressed State of the Government? The Reasons why it is so, and that it shou'd be thus far astern, or as it were, behind all the rest of the Governments (belonging to the Realm of *Great-Britain*) in *America*? Let me solidly query; Have you weightily considered of that weighty and necessary Point aforementioned, and of the Reasons why it so happened? The Inhabitants, without doubt, were in Hopes you were then going with Resolution on that Design and Purpose, as well as to labour to establish some Encouragements in a prudent Manner for its Recovery, by laying a proper Foundation for the Inhabitants to build upon; even to propagate and raise proper Produce: The Effects whereof, to furnish and supply the Inhabitants, as well with a Proportion of Silver, necessary, as all other foreign Commodities as shall or may be wanting; a material Point to have entered upon Years ago; and much more so in our Day, if you, that are Members of the present House of Burgesses, carelessly neglect such great and weighty Points of your incumbent Duty. Pray, for what Use then are you elected to attend the General Assembly?

[22] *2dly*, As you represent each County in the Province, as Ears, Eyes, and Mouths for the People, I query therefore; How stands the Affair of Trade and Commerce in the Government? Does it appear to your View, that we have an equal Chance with our neighbouring Governments? If not an equal Chance with them, then,

Why is it that Navigation, and Trade abroad, is not prudently promoted in the Government? Why is it not wisely encouraged and set on Foot as far as may be agreeable with Reason, and Toleration from our Mother Country, in Order that our Importation of foreign Necessaries, for Eating and Wearing, may come to us at the first and best Hands?

3dly, And in order, that every Capacity may discover the Reason, why the People of the Government labour under such a low State of Poverty and Distress, in respect to Trade and Commerce let the Accounts of Merchandize in our neighbouring Governments be carefully examined into, which will evidently demonstrate to us, whether we have an equal Chance with them, *Yea or Nay*. We may be well assured, that except our Navigation and Manner of Trade and Commerce, be so calculated, that we can, at all Times, sell the Produce of our Labours, at its true Value, equal in Proportion with our neighbouring Governments, and be put in a Capacity, also, in the Course of our Trade and Commerce, to purchase all our foreign Necessaries at an equal or proportionable Lay with them; I say, except our Scheme for Navigation, Trade, and Commerce, be thus calculated, there must of Consequence, be Poverty on our Side; in which State, we are made even a Prey to our neighbouring Governments, in respect to Trade and Commerce; as by Information it evidently appears. We may find, that at *New-York*, Beef is sold from 40 to 60 *s. per Barrel*; which being reduced to our Currency, at Six for One, is 12 to 18 *l. per Barrel*, our Money; Pork, we may find, goes from 50 to 80 *s. per Barrel*; which being reduced, at Six for One, is 15 to 24 *l. per Barrel*, our Money: And, moreover, even the many Sorts of Timber, in our neighbouring Governments, became valuable, by Means of a proper foreign Trade; whereby many of the Inhabitants (instead of being at an immense Charge to burn it in Heaps) were enabled, by the Produce thereof, to clear their Lands.

And on the other Hand, it is said, That Sugar, by the small Quantity, is sold from 4 to 8 *d per Pound*; which being reduced, at Six for One, is 2 to 4 *s. per Pound*, our Money; Melasses is said to be sold, from 16 to 18 *d. per Gallon*, by the Hogshead; which being reduced at Six for One, is 8 to 9 *s. per Gallon*, our Money: Thus it may appear, by a reasonable Computation, to any Eyes, except they are blind, and to any ones Understanding, except it is stupified, that what Sugar the Inhabitants of *New-York* expends in their Families,

at 2 to 4 *s. per* Pound, our Money, we cannot expend the same in our Families here, under 5 to 7 *s.* and 6 *d. per* Pound, in our Way of Trading; and so, in like Manner, what Melasses they expend in their Families, at 8 to 9 *s. per* Gallon, our Money; we must expend the same in our Families here, at 25 to 30 *s. per* Gallon, in our Way of Trade, or otherwise go without it. Salt also, from 2 to 3 *s.* in *New-York*, which being reduced, at Six for One, is 12 to 18 *s. per* Bushel, our Currency, for which we must give 30 to 40 *s. per* Bushel here: And so, in some Proportion, we may conclude it is with other Merchandize.

[23] Well, if the Case be so, pray consider then. What does all this amount to? Does it not plainly shew, that we are supporting Navigation, Trade, and Commerce in *New-York*, or other of our neighbouring Governments, who are trading with us, at the Expence of our own Inhabitants, to the impoverishing the Publick, and starving the Private, which tends, eventually, to the Destruction of the whole Province: And I query; At whose Door does the Fault lie, that it is so? Is not this proper Business for you? And that you weightily consider those Affairs, and as carefully pursue proper Remedies? Is it possible for the Government to subsist and keep Pace with the neighbouring Governments, while we are running in those indirect Paths? Is it possible that the Commonalty shall steer clear of Poverty whilst in those Paths? In which State, Is it possible for them to cultivate their Lands, and be instrumental to propagate the King's Government according to their Pattents? Or, Is it possible for them to accomplish two or three Day's Work in one Day, or to raise two or three Acres of Corn in one Acre of Ground, and all other necessary Produce in Proportion thereto? Or is it not rather, so far inconsistent, with a rational Idea, that the Labourer is obliged to work upon such Terms, the Effects whereof, will hardly purchase him wherewith to cover his Nakedness, unless the Employer suffer Loss? I appeal to your own Consciences, Is not the State of the Government even such? They that have six or eight Negroes, with proper Utensils for Business, have rather a Scrabble to live, without being, as it were, held up by the Head or Heels, by King or Commonalty, or in some other Shape, than their Plantation Business can afford them, under the present State of the Province. What Encouragement is this; to introduce Foreigners for the further Settlement thereof? Or, How shall a poor Man be able to support his Family, or comply with his Landlord, for his Rents?

Or be they not so poor, in common, for Reasons before-mentioned, that they become rather a Charge to him, Which Way, in the Universe, can you think, that the Inhabitants (excepting such as join upon the other Governments) shall be able to discharge themselves, even of their Quit-rents, &c. and carry on their other Affairs on such heavy and discouraging Terms and Conditions as the Government of the Province now stands? I could heartily wish those Affairs were made the chiefest Concern of your Minds, in respect to the Government; and that you, (as a first Movement) might, in a regular Manner, give it a proper Motion, and it's to be hoped, nor do I doubt at all, but that, if those Points are regularly moved, in the House of Burgesses, the other two Branches of the Legislature would co-work together with you, whereby such wholesome Laws might be Enacted, that the Government, from its low and distressed State of Poverty, might be recovered: Doubtless there may be Means and Methods proposed, whereby the Province may be preserved and raised over all those Difficulties it labours under; provided the Legislature carefully lay the Foundation, in a proper Manner, and be more than ordinary careful, also, not to undervalue the Province nor the Produce of it, themselves, for that it is, at present, so destitute of a *Medium*, whereby to promote Trade and Commerce amongst ourselves: Such a Mistake, indeed, might be looked upon, as a gross Imposition upon ourselves, and in no wise conducive to establish good and wholesome Governments in the Province: Such a Mistake would be inconsistent, in respect to propagating the King's Government, and Interest in it, as it would also be again our own, to be obliged to quit and neglect our Plantations, and flee to the neighbouring Governments for Relief of Necessaries, as well as for a *Medium* for Trade and Commerce, perhaps at 150 *per Cent.* Loss to the Publick; and may we not be well assured, that the King bars you not from acting, encouraging, and supporting his Children? Has he not rather waited, as in Compassion, for several Years, that you might propose something in a proper Manner to answer as a *Medium*, even for his Quit-rents? What stood in your Way? Or what hindered you, that Bill was not prepared and presented to the Upper House, in order to have a Pass to the Governor, for his Assent, with the King's Approbation, to a Proposition well approved of? May we not reasonably conclude, that the King (as a Father) hearing of our Poverty, matters not whether a *Medium* be prepared of Paper, leather out of old Shoes or new ones, provided it be upon a proper

Footing, which may tend to propagate and populate his Government? But no doubt, was weary of the old Currency, emitted without Conditions of Cultivation or Propagation, excepting the Interest thereupon arising; which Sort of *Paper Currency*, with all its Interest, has ever been as Traps and Snares, perplexing and vexatious, tending even to Poverty itself: And will it not (if not already accomplished) leave us in that Condition? But, as it ever was, so perhaps it is now, *None so blind as they, who*, in their Imaginations are above Learning, or at least, *will not see*: What an Imposition would it have been upon the Merchants, Yea, even to Nations, provided their Mariners would not be advised, nor put by, of their former Methods or Manner of Navigation, who usually made it a three Year's Voyage to the *East-Indies*, which is now often accomplished in eighteen Months, censuring perhaps all those, who had a clear Sight of more direct Methods, without looking through their Spectacles? But, as it did not then touch nor ruffle any but the proud, peevish, and guilty, is it not even so now? Men of just Principles, Honour and Integrity, are willing as well to hear as they are to see; they are as willing to perceive and understand as they are to speak.

Now, to shew by what Method or Means the Government may find Relief, I refer you, first, to a Proposition, directed to the Inhabitants of *North-Carolina*; and, upon your mature Consideration thereof, doubt not but you will find Encouragement to proceed in such Manner, agreeable thereto, as may meet with Concurrence in the Upper House, and the Governor's Assent, (the King's Approbation being first asked and obtained) but, if not, there may be other Methods, whereby the Province may find Relief from its distressed State and Condition.

We may be well assured, that the Inhabitants will be glad to have the Benefit of their own Labour, and hope the Legislature are as willing they should, it being for the Interest of the Government. I query, Where is the Man among us, that having the Opportunity (at any Time) to exchange the Produce of his Labour, at the first and best Hand, where perhaps 50 l. may be far better to him than 100 l. but would readily embrace it? How natural is it for Men to be pleased at such Opportunities of Advantage? But if it should be manifested and made evidently to appear, that such a Thing might evidently be brought to pass, by the Help of the Legislature, and if any Man or Set of Men, should rise up in Opposition, what can be said of them? Will it not evidently appear, that such Opposition

must be owing to either Prejudice, Ignorance, or some selfish Views? How can it be construed otherwise? I would therefore offer a Proposition to the Governor, Council, and House of Burgesses, for their Perusal and Consideration:

[25] *Firstly*, I would propose, That an Agent or Trustee be appointed (by a Majority of Votes) in each County, to provide suitable Store-houses for Merchandize.

Secondly, Each Tithable to bring in (annually) for a Term of Years, such a Part of the Produce of his Labour, as you may, discretionally, think to be sufficient to supply the Inhabitants with foreign Necessaries.

Thirdly, Let the Agent or Trustee afore-mentioned, for each County, be authorized to receive the Produce, aforesaid, from each Tithable, in such as shall be good and merchantable, and of the Manufacture of the Province, suitable for a foreign Market, and at such Prices as the same Commodities are (in common) sold for at *Philadelphia, New-York*, or elsewhere, for Money of equal Value.

Fourthly, Let these Agents or Trustees be so qualified and furnished with Instructions, That (as they receive those annual Tithables, in Country Produce, as aforesaid) they have Orders to exchange or barter the same away, to and with any Ship Masters and Merchant Traders, as shall or may import suitable Goods and Merchandize into the Government, always observing, duly, to contract with said Ship Masters and Merchant Traders, that such a Proportion of the Pay, for the said Country Produce, as you may think proper, be in Silver and Gold, and the other in Goods and Merchandize by Wholesale, agreeable as it is purchased in the Governments afore-named, for the Account and Benefit of the Publick, even such Goods and Merchandize as may be adjudged the most suitable for the Use and Service of the Inhabitants; and when the said Goods and Merchandize are so purchased by the Agents or Trustees, that they be impowered further to deliver to every of the Inhabitants (in Proportion to their Tithables) the said Goods and Merchandize at prime Cost, as purchased by the Agents or Trustees aforesaid, as also their Proportions of Silver and Gold; reserving only a certain *Quota* or Proportion, for defraying the Charges of Commissions of Portorage, &c.

By thus negotiating Trade and Commerce, in a publick Manner in the Government, for a certain Term of Years, I humbly conceive, that by a reasonable Computation it will appear, that fifty Pounds,

then, will be far more valuable to each Inhabitant, than an Hundred Pounds is now.

For whereas, in our present Manner of trafficking, when the *New-Yorkers* can expend Sugar in their Families, at Two to Four Shillings *per* pound our Money, we must, at same Time expend it in our Families, at Five to Seven Shillings and Six Pence *per* Pound; and when the *New-Yorkers* can expend Melasses in their Families, at Eight to Nine Shillings *per* Gallon, our Money, we must at same Time expend it in our Families, at Twenty Five to Thirty Shillings *per* Gallon; and when the *New-Yorkers* can purchase Salt, at Twelve to Eighteen Shillings *per* Bushel, we in our wild and rude Manner of trafficking must purchase the same here, at Thirty to Forty Shillings; and even so it is, in some Proportion, with all other Goods and Merchandize; and when they defray their Charges of clearing their Lands by their Timber, we must be at an immense Charge to burn it in Heaps.

Now, admit the Query was put to the Inhabitants of *North-Carolina*, Man by Man, whether they would chuse to remain in the perplexed State and Condition they are now in, in respect to Trade or Commerce, as well as in regard to paying their Quit-rents and publick Taxes, &c. Or whether they would chuse, rather, to be taxed Five, Ten, or Twenty Pounds *per Annum*, to promote such a Trade as [26] afore-described, whereby they might be furnished with Necessaries, at the best Hand, as also with Gold and Silver to encourage all our Affairs, I doubt not but all rational Men would rather chuse the latter, and if so, Why should any Opposition arise, every Man having the Benefit of his Labour at the best Hand? Is it not evident, that Mankind has been learning and gaining, by Experience, throughout all Ages in making their Necessary Utensils of what Sort or Kind soever, even in building their Shipping as well as in making the Scale and Quadrant, graduated from the Elements, to navigate them, as well as other Scales, Weights and Measures proportioned, to give or find the just Quantity, Weight or Value of Gold and Silver, even also of Gold Dust, as well as all other Commodities whatsoever? I therefore query, Is there not a Duty incumbent upon the Inhabitants of *North-Carolina*, who are almost destitute of a proper *Medium*, Trade and Commerce, weightily and maturely to consider which Way a proper Remedy may be calculated, in order to relieve the Government from its naked and distressed State?

We have Information, That upon some extraordinary Immergency, the King (of his fatherly Kindness to his People) is pleased to grant them Liberty of making a *Paper Currency*: Have we not also a native Right and Privilege to Address the King? Who knows but he, of His Royal Clemency, may grant to poor *North-Carolina* the same Favour of making a Paper Currency, provided it may be Emittted upon a sure Footing, and founded upon certain Conditions of Industry, which may have a direct Tendency to encourage his loyal Subjects, and advance his own Interest in the Province, by enabling the Inhabitants to promote Navigation, and make proper Improvements of their Time and Labour, to the mutual Advantage of both King and Country, although we must allow Necessaries of Life to be the main Wheel in Trade and Commerce: Notwithstanding which, Is it not evident, that a proper *Medium* is a material Article, and may be called one of the first Movements in giving it a proper Motion, to give Strength, Courage, Resolution and Life to the Inhabitants, each and every of them, to proceed with Diligence, in his proper Business. Is it not even (comparatively speaking) as the Blood of Life, which circulates from Member to Member, throughout the whole Body of all living Creatures? And is it not evident, that when the Blood is obstructed in any of the Members, the whole Body suffers with it? If this Comparison conveys a true Idea, What Care then ought to be taken, that the Government be furnished with a proper *Medium*, even a Currency (founded upon Industry, and anchored by Gold and Silver) that will have a free Circulation, and admit of no Obstruction, lest our Navigation, Trade and Commerce, remain to be an intolerable Charge, without any Prospect or Hopes of any Advantage to King or Commonalty, as it is now managed amongst us, the direct Tendency of which, is even Poverty itself, whereby both Gentle and Simple, Province and People, may (if not already so) become almost without Notice.

Pray consider, what Business, of any Consequence, have we going on in the Government? Are we not all halt and lame, for want of a *Medium*? Does it not affect even the whole Inhabitants of the Province?

I leave this to the mature Consideration of the People of each County.

III

THE IMPORTANCE OF THE COLONIES TO GREAT
BRITAIN, ETC. BY JOHN RUTHERFURD.

INTRODUCTION

John Rutherford was one of the most important members of the official class in North Carolina during the generation preceding the American Revolution. A Scotchman by birth, he migrated to the colony some time before 1735 and located at Wilmington. There he entered the mercantile business as a clerk in the store of his cousin, James Murray. He prospered and by 1751 he was the head of the firm of Rutherford & Co., dealers in lumber and merchandise; later, from 1762 to 1766, he was in partnership with Alexander Duncan. His worldly possessions were increased by his marriage, in 1754, to Frances Johnston, widow of Governor Gabriel Johnston, who had died in 1752. In 1761 he and his wife purchased a plantation of 1,920 acres at Rocky Point, thirty miles northeast of Wilmington, which they named Bowland in honor of his father's estate in Scotland. Through his marriage Rutherford also came into possession of 4,320 acres in Bladen County; in addition he possessed 168 acres at Wilmington. In 1772 all these properties were sacrificed to meet financial obligations incurred in Scotland; but shortly after he was in possession of another estate of 4,000 acres which he named Hunthill, a name also borne by an estate in Scotland owned by his cousin, Henry Rutherford. At Hunthill he was the host of Miss Janet Schaw, a Scotchwoman who visited North Carolina in 1775, and she was much impressed by the splendid bounty and the industries of the plantation.¹

Rutherford was undoubtedly popular and he received political preferment. In 1749, and again in 1751, he was elected Town Commissioner of Wilmington. He found favor with Governor Johnston and was appointed by him in 1751 a member of the Council and Receiver General of Quit Rents. These offices he held, except for a period of suspension, until the collapse of the royal government. Under the administration of Arthur Dobbs, who became Governor of North Carolina in 1754, he met political reverses. The new executive, a stranger knowing little of the traits of the people, irascible in temper, and taking his royal instructions seriously, could not work harmoniously with all members of the official class; and among those who especially antagonized him was Rutherford. The two

¹ *Journal of a Lady of Quality*, pp. 184, 185, etc.

men clashed over the administration of the quit rents. As an official there is no doubt that Rutherford was inefficient, and to inefficiency was added insubordination when he refused Dobbs's request for a statement of the quit rent accounts. Thereupon the Governor suspended him from office in 1757. Rutherford then went to England and laid his case before the Board of Trade, the result being that he was reinstated in office in 1761. However, his administrative policies and methods showed no improvement, and they must be classed among the causes of the failure of the quit rent system in North Carolina.

With William Tyron, who became governor in 1765, Rutherford's relations were more cordial. He was a member of both expeditions against the Regulators. In the first of these he was made Lieutenant General and in September 1768, Tyron being ill, he assumed command of the troops. He was, moreover, a member of the commission of 1767 to establish the Cherokee Boundary Line, and also of that of 1772 to determine the boundary between the Carolinas. During the controversies which precipitated the Revolution, he was a staunch adherent of the Crown and entered both his sons in the Royal Service, one in the Army and the other in the Navy. He himself remained in North Carolina until the fall of Yorktown and then retired to Charleston. From that place he sailed for England, but died at Cork some time in 1782. His property in North Carolina was confiscated, but after considerable effort restitution was made to his children.

It was in 1761, while he was in England, that Rutherford published *The Importance of the Colonies to Great Britain, etc.* His theme and argument were those of contemporary mercantilism. Much of England's wealth had been destroyed in the continental wars, there was an adverse balance of trade, and specie was being drained abroad. For recuperation and future prosperity a vast increase in manufactures was necessary, and this depended on cheaper raw materials and larger markets. These essentials, he believed, could best be attained by expanding the policy of bounties on colonial raw materials; especially should liberal bounties be offered for colonial hemp, flax, silk, cotton, bar iron, and timber. The immediate results of such a policy would be twofold; commercial independence of foreign nations with respect to raw materials, and an enlarged colonial market for English goods, the latter because the

colonists, on account of the bounties, would be able to purchase more from the mother country. But aside from the question of business profits, here also lay the solution of the problem of the future relationship between England and the colonies. Land in America being cheap and skilled labor high, it was logical for the colonists to engage in agriculture and to purchase their manufactured goods from England, but so long as the trade balance was adverse to the colonies, this was impossible on any large scale; and unless the bounty policy were expanded, the colonists would be compelled to manufacture for themselves, and if that should come to pass there would follow "an end of their dependence." It should therefore be the cornerstone of British policy to preserve the colonies as an agricultural region, producing raw materials needed by the mother country and also purchasing from England their manufactures. Further to stimulate this end, England should take all the French territory in America east of the St. Lawrence and the Mississippi, thus opening a vast region for exploitation; capital for that exploitation could be secured from bounties; and as colonial population doubled every twenty years, England would in time receive an unlimited supply of raw materials and acquire vast markets for her goods. And the cost of the bounty policy would be no more than the existing adverse trade balance. Finally, let English production be increased by abolishing imprisonment for petty offenses and substituting work houses in which the offenders shall be engaged in useful manufacture.

Such were the thoughts of John Rutherford on questions of imperial trade, reflections stimulated, no doubt, by his own interest as a merchant and also fortified by ample statistics. And the merchant class in the South, it should be remembered, was generally devoted to the *status quo* in imperial affairs and notable for its loyalty to Great Britain during the Revolution. The pamphlet was endorsed by two anonymous persons in letters signed with the initials J. S. and G. R. To it is appended an essay on the *Manner of Preparing Hemp for the Manufacturers*, based on the work of the Frenchman, Mercandier, supplemented by a table of distances within the colonies. The entire work is dedicated to the Earl of Halifax (George Dunk), President of the Board of Trade, excepting two short intervals, from October 1748 to March 1761, whose interest

in American commerce was such that he was popularly known as the "Father of the Colonies," and for whom, also, the town of Halifax, N. S., was named.

For data regarding the career of Rutherford I am indebted, in addition to the *Colonial Records of North Carolina*, to invaluable notes in *The Journal of a Lady of Quality*, being the diary of Janet Schaw, edited by Evangeline Walker Andrews and Professor Charles M. Andrews, of Yale University (New York, 1922). To Professor Andrews I am also indebted for a citation to Rutherford's pamphlet, the original being in the British Museum.

THE
IMPORTANCE
OF THE
COLONIES
TO
GREAT BRITAIN.

WITH

Some HINTS towards making Improvements
to their mutual Advantage :

And upon TRADE in General.

By JOHN RUTHERFURD
of NORTH CAROLINA, Esq.

L O N D O N :

Printed for J. MILLAN, near Whitehall.

MDCCLXI.

[Price One Shilling.]

To His Excellency
The RIGHT HONOURABLE the
EARL of HALLIFAX.

MY LORD,

THESE sheets, relative to the Colonies, are not published so much with a view to let the world know the great advantages that have arisen to these kingdoms from the plantations lately under your Lordship's direction (this being universally known) as for the information of Gentlemen unexperienced in Trade; on whose account are mentioned some general principles of commerce, together with a short view of our trade in general, in order to shew, that if the connection betwixt the landed and commercial interests in Britain with her colonies were made more mutually advantageous by Parliament, in support of your Lordship's measures, to give all [iv]¹ possible encouragement to the colonist to grow, and to our merchants to import, such materials for manufactures as at present cost us vast sums in ready money to foreigners, that it would not only tend greatly to the enrichment of Britain, but in time render us independent of the world in point of trade. With the same view of information is inserted Mons. Mercandier's easy method of preparing hemp for the use manufacturers. Most humbly submitted by

YOUR LORDSHIPS
Faithful and obedient Servant,

JOHN RUTHERFURD.

¹ The title page is evidently i; p. ii, a blank; and the dedication, iii and iv. W. K. B.

THE
Importance of the COLONIES
TO
GREAT BRITAIN.

IT must be allowed that this nation cannot subsist as a maritime power without importing materials for manufactures, such as hemp, flax, silk, cotton, pot-ashes, various sorts of dying stuffs, bar iron &c. and that hitherto, in order to obtain such articles in sufficient quantities to supply our manufactures it has cost this nation vast sums yearly in ready money to foreigners, for what is now generally known may be had from our colonies on the continent of North America, on the giving proper encouragement to British merchants to import them.

That for the future, being the growers as well as manufacturers of these valuable articles of commerce within ourselves, we may thereby be enabled not only to save the vast sums that we now yearly pay to foreigners, but also to extend our trade and commerce.

The late czar of Muscovy, who believed that we must have our hemp from him, made a monopoly of it; which, as we are under a necessity [6] of having, ought (in the event of quarrelling with the Russians) to put us on all imaginable care and study how to provide so necessary an article independent of them, lest we should happen to labour under the same necessity as in 1703, for pitch, tar, and turpentine, when the government of Sweden absolutely refused to let us have them for our ready money, otherwise than in their bottoms, at their own prices, and in such quantities as they pleased; as mentioned in a letter from Dr. Robinson (then envoy in Sweden, and afterwards bishop of London) dated at Warsaw, 4th of August 1701, to Sir Charles Hedges, secretary of state, war being then declared with France. This behaviour of the Swedish tar company so raised upon us the price of naval stores, as reduced us to the greatest distress, and induced the British Parliament to grant bounties on naval stores imported from our own colonies, which has been the means of lowering the price thereof to less than one third of what we formerly paid the Swedes.

The remembrance of such conduct in the Swedes (now leagued with the French and Russians) ought to put us on our guard against a like necessity, which, if it should happen, would be of infinite prejudice to us.

By the 3d and 4th Ann, cap. 18. sect. 8. a bounty was granted on naval stores, including hemp, from the first of January 1705 to the first of January 1714; by the 12th Ann, cap. 9. the same was continued to the first of January 1725; and by the 8th Geo. I. cap. 12. sect. 1. the bounty of 61. per ton on hemp was only continued till the first of January 1741, when the bounty on hemp expired.

[7] As little hemp was imported when the above acts of Parliament were in force for granting a bounty on the importation thereof from the colonies, many imagine that little or none would be imported, should the Parliament again grant a bounty to encourage the importation thereof from the colonies.

The granting a bounty on naval stores has already had its full effect with regard to pitch, tar, and turpentine; and there seems no reason to doubt, but that the renewal of the bounty on the importation of hemp would have the same advantage result from it: for though no great quantities of hemp were exported between 1705 and 1741, yet it must be considered, that many of the colonies were then in their infancy, and others fully employed in cultivating more valuable branches of commerce, such as tobacco, rice, pitch, tar, and turpentine; but since that time the people in our colonies are greatly increased, and in a fair way of making more tobacco (their principal staple) than can be found vent for; and it is well known that some years since the province of South Carolina made as much rice as could be found sale for, and with the other colonies are now in a fair way of making a sufficient quantity of indigo.

When it is considered the many difficulties those who on their first settling in America must have laboured under, to provide themselves with the conveniences of life, it will not be so much wondered at that they should hitherto have been so backward in cultivating hemp, when even at this time in Britain very few are acquainted with the best manner of preparing it for manufactures.

[8] There are gentlemen now in London, who remember to have seen a quantity of hemp imported from Virginia, which by direction from the Lords of the Admiralty was tried in the King's yards,

and found to be as good as any from Russia, or even from Egypt: and since that hemp must be imported, it will certainly be more advantageous to the State to pay money to our own merchants for importing it in our own ships from the colonies, than to pay ready money to strangers for it.

It has been computed, that in the year 1759 about 25,000 tons of hemp were imported from Russia, which (including the duty at the Sound, with the charges) stood the British merchant on board his ship about 18l per ton, the amount of which is 450,000l, sterling, which is much more than the amount of all the manufactures they receive from Great Britain. It has been reckoned for some years past, that we have not paid less to Russia than 500,000l. sterling in ready money for so much balance in their favour; this may fairly be charged to the article of hemp, which in our present situation as a maritime power, we must have, cost what it will.

In peaceable times the freight of hemp from the Baltic is from 40s. to 45s. per ton, and used to be sold from 18l. to 22l. per ton; in war time freight from thence is from 65s. to 70s. per ton, and now sold from 24l. to 28l. per ton; Does not this look as if they had already risen in their demands upon us? The medium price in peaceable times used to be 20l. the medium price is now 26l. 6l. per ton is too much to be allowed only for the difference betwixt freight and insurance in peace and in war.

[9] The interest of the money now annually paid for hemp, at 5 per cent. will amount to 22,500l. which for six years, being the time humbly proposed to allow 8l. per ton bounty on the importation thereof from the colonies, will amount to 135,000l. and in that time may be supposed to have taken effect.

It is presumed no true lover of his country will think this paying too dear for inducing the people in the colonies to go upon such a product for merchandize, as at present brings into Russia from Britain, and all others trading with them, above one million yearly; and which would not only have the good effect of saving ready money to the nation, and increase a greater demand of manufactures for the colonies, but would also increase our strength as a maritime power.

Upon the conclusion of this war, if Canada and those fine countries at the back of our settlements could be ceded to us, there will indeed be room enough to settle vast multitudes of industrious peo-

ple (which are the real and true strength of a nation); on proper encouragement they without doubt in time may be able to supply us with all the materials for manufactures so much wanted in Britain, and which yearly cost us vast sums; viz. hemp, flax, silk, cotton, and bar iron; and when we are possessed of such countries from whence we can draw such materials (more valuable in the hands of industrious people than mines of gold and silver) we may then indeed be said to be independent of the world in point of trade.

It has been objected, that in the case of our retaining Canada, &c. the Americans would then be at leisure to manufacture for themselves, and [10] throw off their dependence on their mother country.

In answer; This is an object at too great a distance to be dreaded, and cannot be so easily done as some may imagine, who have not thoroughly considered the connections that must and ought to subsist betwixt Great Britain and her colonies; and how much all of them are independent and jealous of each other; and that where interest of money is high and lands cheap (as it is in general in America) labour will always be dear: and further we can be certain, that so long as the American planter can find vent for the produce of his lands to enable him to purchase British manufactures, it will never occur to him to manufacture, because in every respect it would be contrary to his interest.

It has also been objected, that the settling such vast tracts of land would drain Great Britain of its inhabitants, if we are obliged to keep force and garisons there to guard against the incroachments of the French, &c. this would cost both men and treasure; but if no other forts are necessary than to keep the Indians in awe, so far from draining us of our inhabitants, it would be the means of employing more manufacturers in Britain than have heretofore been employed in any one period of time.

It cannot be supposed that any persons in Britain in full employment will leave their native country to endure hardships, in order to make a settlement in America; such as are not fully or usefully employed must either go abroad or starve; such, in England, are useless members of society; if they go abroad to America, whether they are employed by others or for themselves, they in [11] some sort become useful, insomuch as they help to consume the manufactures of their native country at an advanced price; and he must be very worthless indeed, who cannot in that country afford to buy him-

self clothes; for there is little danger of starving where all sorts of provisions are so cheap, where there are so few people in proportion to the extent thereof. And it is apprehended that nothing will now contribute to the employing great numbers of manufacturers in England than people in America, which way soever they get there, if they are employed in cultivating and sending to Britain such before-mentioned valuable materials for manufactures; all which undoubtedly are to be had in America, and for which in return they will gladly take those very materials and others manufactured in Britain.

It is not believed that trade in Britain is upon the decline, but seems rather of late to have greatly increased; which without doubt must be a good deal owing to the great advantages gained over the French: it is however certain, that paper money was never more used in England than at this time, and that we have been much drained of our specie; how this has come to pass is an inquiry of national importance.

The assisting the king of Prussia and supplying our armies in Germany could not alone have this effect; neither can it be owing to money paid amongst ourselves for the fitting out of fleets or armies, or for what is sent to America, which would soon return and circulate amongst us again: it cannot be said to be owing to the state leeches, the stock-jobbers, or the Dutch having so many millions in our funds; for so long as we continue [12] to give higher interest than in Holland, they will not withdraw their money. It must therefore be owing to some other cause that we are so much drained of our specie; and which, in order to find out, it will be necessary to take a general view of the state of our trade with all the world, which will enable us to form some judgment of these affairs: and the better to know what trade is beneficial and what hurtful to the State, in order to regulate the laws, that the nation may be gainers, and not losers, by their foreign trade, it will not be improper to begin with premising some general maxims of trade, which, though the system of policy of foreign nations with whom we trade may change, and occasion our different conduct towards them, yet the fundamental principles of trade will be always the same.

1. That the trade of a country which contributes most to the employment and subsistence of our people is the most valuable.

2. That the trade which lessens most the subsistence of our people is most detrimental to the nation.
3. That we are most enriched by those countries which pay us the greatest sums upon the balance, and most impoverished by those who carry off the greatest balance from us.
4. That the exchange is what will generally in all countries decide where the balance lies.
5. That we ought to take less of the produce and manufactures of other nations, as they decline in the importation of ours; and more of the produce of those countries which increase in their imports of our produce and manufactures.
6. That every country which takes off our finished manufactures, and returns us unwrought materials to be manufactured here, contributes so far to the employment and subsistence of our manufacturing those materials.

Let us now examine the state of our foreign trade upon such principles, which will point out to us our truly national interests.

With France—As this country produces most things necessary for life, and stands in need of very little for luxury or convenience (excepting some few things for carrying on their manufactures) is of all other nations the most disadvantageous for the English to trade with; there being a very great balance in their favour, we ought to take from them as little as possible.

With Spain—Formerly the balance in our favour was very great, but of late they are become more industrious in husbandry and commerce, and are now endeavouring to manufacture their wool. It is said that the balance in our favour for manufactures is very little, in some measure owing to our taking more than ever of their produce, such as wines, oils, fruits, &c. We still continue to receive from them large sums in specie for slaves, which they must have to work their mines.

With Portugal—Till within these few years the balance in our favour was prodigious; but of late, the French and Dutch having interfered, and we continuing to take their wines, oils, &c. the balance still in our favour for manufactures is said to be one million and a half sterling.

With Holland—The balance of trade only is considerably in our favour; but if it is included the millions the Dutch have in

our stocks, for which they receive interest, and the exchanges [14] made by the way of Holland as well as Hamburgh to Russia and Sweden, the balance in their favour is considerable.

With Italy—The French have much prejudiced us with them by their woollen manufactures, and the balance is certainly against us: we are at present obliged to take a large quantity of their raw and thrown silks, which they set a high value upon, and are paid for in ready money; which, till we can be otherwise supplied, must be had from them; but certainly we ought to take less of their wine, oil, soap, anchovies, wrought silk, &c.

With Hamburgh, and other parts of Germany—When we were formerly supplied with linens from France the balance was in our favour; but since our laying high duties on French linens, we have been supplied with linens from Germany to a prodigious extent; and though they have been yastly enriched by their trade with us, yet some of the German states (in imitation of the French) have laid high duties, and others have prohibited the exportation of our manufactures. The situation of our foreign trade with linen countries calls loudly upon us to improve and extend the manufacture of home-made linen.

With Denmark and Norway—The balance is greatly against us for naval stores, iron, and timber: it has been observed, that seven eights of what is got from them is paid for in bills of exchange on England.

With Sweden—The balance is greatly in their favour for iron and naval stores; the Swede having high duties on British manufactures, we are obliged to pay them ready money. We have our greatest quantity of iron from Sweden, besides a good deal [15] of tar, pitch, and deal boards; also teas and other goods smuggled from thence, altogether costs Britain not less than 400,000*l.* per annum. They take from us a little tobacco, tin, and lead, and of late are also obliged to have their sugars from us.

With Russia—From whence we have iron, hemp, flax, pot-ash, linen cloths, linen yarn, Russia leather, tallow, furs, and rhubarb to a great value; in these articles we deal with them to the extent of about 900,000*l.* per annum, in return it is believed they take from us manufactures, at their own prices, to the amount of near 400,000*l.* per annum; and the balance of about 500,000*l.* we pay in

ready money, and to the bargain, as we are intirely dependent on them for hemp, which we must have at any rate, we must be satisfied that they are pleased to let us have it at their own prices and on their own terms, though at the same time we know that the money they receive of us is employed to our prejudice, in enabling them to supplant us in our tobacco trade, and to pay their troops for fighting against our friends and allies.

If any should say, that we ought not at this time to give umbrage to the Russians by our public endeavours to get hemp from America, what construction must they put on the following piece of intelligence from Russia, as mentioned in the public papers? "That some merchants in Russia are "going to attempt a large woollen manufactory "after the manner of our western clothiers."

With Turkey—Through means of the French this trade is on the decline; and though they have a good deal of bullion from us, this trade is reckoned beneficial, because they export our finished manufactures, and import materials for manufactures.

[16] With Africa—This trade is now in a thriving way, and is very valuable to us, as not only the means of supplying our own colonies with slaves (the produce of whose labours all centers in Britain) but is the occasion of our receiving large sums in specie from the Spaniards.

With the East Indies—This trade would be very beneficial, if less bullion and more of finished manufactures were to be exported to the East Indies, and less of their finished manufactures consumed in Britain and the colonies, and more exported to foreigners.

With our American colonies—It has been computed that their trade with Britain and amongst themselves employs near 3000 sail of shipping; that there is exported to them upwards of two millions and half in manufactures, and from Africa is exported to all the colonies to the value of above half a million, more in return is imported, sugars, molasses, cotton, ginger, rum, piemento, mahogany, logwood, rice, indigo, skins, furs, tobacco, train oil, iron and copper ore, naval stores, slaves, ships, &c. And from thence is exported for Lisbon, Madeira, Canaries, Western Islands, and the Streights, wheat, Indian corn, peas, pork, fish, rice, bees-wax, slaves, and ships, &c. and for Germany a considerable quantity of rice. In this manner do they make their returns, with all the bullion they

can scrape together, to pay for their yearly supplies of manufactures and slaves, and also for their expenses in Britain, to the extent of what their commodities will fetch at market, above four millions; by which it appears, that besides their employing multitudes in England, they contribute to the national stock at least one million [17] per annum; and if on the one hand the British West India planters had not made a bad use of the great indulgence shewn them, they having in reality gained a vast balance against us, by not only raising the price of sugars upon us, and doing all in their power to keep it up, and by such means prevented our exportation of large quantities of refined sugars, and drove the North Americans to purchase sugars, molasses, and rum from the French; and on the other hand the northern colonies have carried on an unfair trade with both French and Dutch, even directly to and from Holland. Had it not been for such management the balance in favour of Britain would have been more considerable: such conduct will no doubt be one day taken proper notice of by a British Parliament.

From this general view of our trade with foreigners it may be judged, from the before-mentioned plain maxims, what ought to be done towards making our trade beneficial and useful to the State; and that it ought to be done by the legislature appears necessary, because the private interests of individuals lead them to act contrary to the general interests of the community; that it is not to be wondered at, if the best regulations relating to trade met with opposition from those who rather than lose the least prospect of gain, would run the risque of ruining this, perhaps not their native, country.

It has been observed, that there is no difficulty in finding out whether the balance of trade is in our favour or against us with foreign countries, the general exchange will decide this affair; and it behoves the legislature to be watchful that we be gainers, and not losers, by our trade; or in other [18] words, to guard against the sending money out of the country but for necessaries of life, for paying of public debts, for assisting our allies, for purchasing materials for manufactures; these reasons only ought to be any excuse for sending money abroad, which ought as much as possible to be avoided by our taking less of the produce and manufactures of other countries, as they decline in the importation of ours; and by such

conduct to do by them as they have done by us, turn the tables upon them.

Though it is believed, that on the whole the balance is very considerably against us, let it be supposed for argument sake that it is even, or if you will, something in our favour: it is however most astonishing that the labour of so many thousands of manufacturers (including all the produce of the land that is exported from Britain) should be sunk without any other real advantage than the maintaining so many labourers and manufacturers; such a situation is much the same as that of a man who has a large estate, and stands indebted for nearly as much as the value of this estate, because that he will not exert himself to raise its value by making improvements.

This war has without doubt cost us large sums; a good deal of what has been spent in Germany will never return to us; and we may be sensible of having lost the use of vast numbers of manufacturers, who as such will never be of future service to us, whatever they may be as soldiers.

Under these circumstances, is it not necessary that we should at least endeavour to regain an equivalent for our lost manufacturers, and money not only to carry on the present, but any future [19] war that may happen in support of our commercial interests? this can no way be done better than by our endeavours to have all materials of manufactures as cheap as possible and independent of foreigners, and by finding vent for our manufactures.

There is no doubt but there may be employed in Britain a greater number of manufacturers than ever at any one time subsisted in it: the increasing the number of manufacturers, the keeping of bullion in the kingdom, and the interest of money at a low rate, are the only methods of adding to the real strength and riches of a kingdom. It is beyond dispute more advantageous, and more natural too, for to have our own provisions consumed amongst us by an increase of manufacturers, than to grant bounties on the exportation thereof to foreigners.

All these advantages may certainly in time be obtained (without draining the kingdom of either men or money) by encouraging the importation of hemp, flax, silk, cotton, and bar iron from the plantations; and timber may also be added, which, (as a bulky commodity of little value can least of all bear the charge of a long voy-

age) as it would be the means of increasing navigation and saving ready money to the nation, is a valuable article to commerce.

That all the before-mentioned materials are to be had from the colonies, is most certainly true; and that the colonies would be glad to have it in their power to make remittances for the manufactures of Britain, by sending over the very materials for the manufactures they now want, and must have from Britain, so long as lands are to [20] be had cheaper in America than in Britain; or in other words, so long as any part of our vast possessions in America remain unsettled and uncultivated.

We must have materials for manufactures at the cheapest rates, though we should be obliged to pay ready money to foreigners for them, because absolutely necessary for employing our poor and bringing wealth into the kingdom: for example, suppose we import from Holland 100 tons of flax, which cost about 4000*l.* this small quantity, at the rate of one hand manufacturing 50*lb.* of flax in twelve months, will employ 4000 people one year; and when completely manufactured is at a medium worth 30,000*l.* The benefits arising from employing of manufacturers being so obvious, let us next consider how we can obtain materials for manufactures at the easiest rate.

It has been computed that the articles of hemp, flax, and flax-feed does not stand us less per ann. than	100000
Silk and cotton	400000
Bar iron	550000
Timber, &c.....	150000
Pot-ash, cochineal, and other dying stuffs, &c.....	200000
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	L. 1400000
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The above articles, necessary to be had in Britain, cost us for the greatest part ready money to foreigners; if for some time is granted a bounty by Parliament for encouragement to import these materials from the colonies, we can by this means obtain any quantity of these materials in return for our manufactures exported to the colonies; this [21] would not only be a great step towards independency on foreigners for such necessary materials as must be had at any rate, but tend greatly to the increase of manufactures, to the keeping of

bullion in the kingdom, to the lowering of interest, and to the increasing of the value of lands in Britain: and all these benefits may be in time obtained at no greater expence than our advancing of money annually by way of bounty or premium to our own merchants, to the amount of the interest of the ready money annually paid to foreigners for the above materials, to be paid only on the importation of such materials from the colonies, till the design of granting such bounty was effected, by inducing the planters in America to cultivate such articles and the merchants to import them.

It is generally believed that one sixth, if not one fourth, of the white people in the colonies, for want of such encouragement, cannot with the produce of their lands purchase the manufactures of Britain; and for that reason have been obliged to manufacture for themselves, which by all means ought to be prevented, by putting it in their power with the produce of their lands to purchase British manufactures; it being most certain that in America, where lands are cheap and labour dear, that it must be against their inclinations and contrary to their interests to manufacture.

It becomes therefore the duty of the British legislature to be watchful that the colonies are not laid under the necessity of manufacturing, but are encouraged in raising and importing the beforementioned or any other valuable materials, which, when manufactured in Britain, may bring in foreign treasure.

[22] This conduct towards our colonies would not only have the effect to increase the consumption of our manufactures, and render us independent of foreigners, but would make their dependance advantageous and mutually agreeable; WE SHOULD THEN BE SAID TO BE INDEPENDENT OF ALL NATIONS IN POINT OF TRADE, which it ought to be our study to carry to its highest point of advancement.

It having been objected concerning the general balance of trade being against us, &c.

The most that has of late been calculated that we yearly receive from Portugal and Spain in bullion does not exceed two millions; there are no other foreign states from whom we receive any considerable balances, supposing the money exported by our East India and Turkey companies to be repaid us by their goods being re-exported. The balances against us with France, Italy, Holland, Russia, Denmark, Sweden, and Germany (nor including the money thence on account of this war) cannot amount to less than three millions,

which has been gradually increasing upon us, and would have been more severely felt, had it not been for our trade with the colonies.

The West India planters have even gained upon us a balance in their favour of above half, if not three quarters, of a million, by taking the advantage of our excluding foreigners from importing sugars to Britain, to make us pay their own prices. This balance is spent amongst us, and will account for those West Indians residing in England being able to vie with British noblemen in the splendor of their equipages.

[23] Sugar islands are beneficial, as they employ a great deal of shipping, and not only supply us with a sufficiency of an article that is now become a necessary of life, but also for exportation, which either brings in foreign treasure, or what is to the same purpose, saves a great deal of bullion from being sent out of the kingdom. It has long been a general complaint that lands are monopolized in some of our West sugar islands, and that in all of them there are too great numbers of Blacks in proportion to Whites; to this cause it is owing that we sometimes hear of insurrections amongst their slaves, and which has hitherto occasioned a great expence to this government to send troops and fleets for their protection.

As the colonists will not of themselves come under better regulations, it seems necessary that there should be passed an act of Parliament to oblige them to keep on their plantations at least one white man for every five working slaves; this would have the good effect of not only preventing insurrections and securing their properties, but enable them to defend themselves against foreign invasions, consequently make them less burdensome and more beneficial to Britain, by increasing their demand for British manufactures. Some such regulation seems absolutely necessary; for though no set of people have received greater favours from the government than the sugar planters, none in proportion to the greatness of their estates have hitherto contributed so little to the public emolument.

The trade with North America, which has been gradually increasing since their first settlement about 140 years since, the balance whereof is considerably [24] in our favour, and is not only very beneficial at this time, but may be improved to be of more consequence to us than our trade with all foreign states, as formerly mentioned: that this may more plainly appear, and what may reasonably be expected from the keeping possession of all North America to the East-

ward of the rivers St. Laurence and Mississippi, if the same should be thought proper to be done by way of recompence for the immense sums spent this war, it is necessary to observe, that in all the twelve English governments on that continent, which are said to contain about 420,000 square miles of land, on which are computed to be settled at least one million of souls (besides blacks and savages) and that they double their number in 25 years, besides accession of strangers, and that their whole exports in the year

1745	amounted to about	550,000l.
1755	1,770,000
1760	2,550,000

It is thought that this trade with our own sugar islands and Africa, and with the Portuguese, Spaniards, and French, amounts to upwards of one million and a half sterling per annum more than is included in the above calculation.

The lands claimed by the French on the bay of Fundy and along the back of our settlements (exclusive of the 420,000 miles of land they allow to belong to the English) all to the Eastward of the rivers St. Laurence and Mississippi, are said to be about 500,000 square miles, include the lakes Ontario, Erie, and Huron; and two former said to be about 200 leagues, and the latter about 300 leagues in circumference; which, with the lands adjoining, were sold to the English by the [25] Iroquoise Indians in 1701, and by them confirmed in 1726 and 1744.

In all that vast extent of country, by the French accounts there were settled near 200,000 souls, and that their trade, which consisted chiefly in furs and peltry from Canada, and rice, indigo, and tobacco from the Mississippi, together with lumber and provisions for their West India islands, did not amount to more than 250,000l. sterling per annum, besides their fisheries; which article alone was worth to them more than four times that sum annually, as by the following account of their exports taken the year the declaration of this war:

1,149,000 quintals of dried fish.
 3,900,000 mud fish.
 3,117 tons of train oil.

Which, including the freight, the great vent for blankets, cloths, nets, cordage, shallops, brandy, &c. were worth to the French above one million sterling per annum.

Let us now suppose that Great Britian (actually exhausted of a good deal of blood and treasure by this war) should not supply the Americans with either men or money, further than to encourage their own merchants to bring from America such materials for manufactures, as now cost them yearly vast sums in ready money; and that the Americans by natural increase double their number every 25 years; and that their trade should increase at the rate of only 50s. per head per annum; agreeable to that proportion in 75 years there would be eight millions of people in America, and their trade amount to about 20 millions sterling per annum, and increasing so as to be of more consequence to Britain, than with all the world besides, by their [26] growing and importing materials for manufactures, and afterwards consuming their British manufactures, they would make employment for a greater number of manufacturers than ever existed in Britain at any one period of time before the settlement of the colonies.

It is owing to the easiness of finding employment, that induces the lower sort of people to marry, and to the dearness of land and provisions that obliges them to learn trades: this being the case in Britain, Holland, and other places fully settled, their poor in order to get bread must manufacture; when the Americans come to be in the same situation, that their lands (whatever be the extent thereof) are so much improved, that their poor in order to get bread must also manufacture, there will be an end of their dependance. It would therefore be good policy as much as possible to prevent the ingrossing of lands in America in order to raise them on the poor people, who should have lands on easy terms, and in as possible great extent, as the most effectual means to prolong their dependance on their mother country for manufacture; every inducement ought to be thrown in the way of the colonists to make them cultivate and import such materials as are wanted in Britain; they by such conduct, under the administration of prudent governors, would be a happy people, and greatly to their own benefit contribute to promote the interest and welfare of this kingdom.

It is now generally known that the price of our most valuable materials are greatly advanced, and cannot be had at such advanced prices to supply the demands from abroad: this may be said in some measure to be owing to the war's taking off [27] great numbers of our manufacturers, but cannot with justice be said to be intirely

owing to our want of people, seeing there are such multitudes of prisoners, servants out of place, highwaymen, robbers, house-breakers, and pickpockets, which must be evident to all who walk the streets of London and other great towns, and who read the daily papers. Such too general licentiousness ought to be put a stop to; and considering the poors rates, at a time when we are so much necessarily burdened with other taxes, and in want of people to carry on an offensive war to advantage, it cannot be deemed unworthy the British legislature to take these affairs into consideration, to prevent any future want of manufacturers and soldiers, which may be accomplish'd by discouraging and punishing those guilty of idleness and immorality, which it is believed may be done by means of public houses of maintenance and correction in all the large towns in Britain; wherein may be kept to labour all the classes of people before-mentioned, in different wards, for keeping the men and women separate; many debtors by this means might be enabled to discharge their small debts, and our streets would then be soon cleared of beggars, prostitutes, and pickpockets, who ought to be sent to the nighest house of correction to wherever they are found. Though it is generally agreed that all wilful murderers should suffer death, it is not so with regard to other felons, who are mostly guilty through necessity brought on by their debaucheries, whom it is thought would suffer severer punishment than that of hanging, if for a considerable time, or for heinous offences during their lives, they were chained and kept to hard labour: this would not only an [28] swer the good purposes of making them useful to the community by the produce of their labours, but they would be a continual terror to others, and out of the way of renewing their crimes. All poors rates should be abolished; and that it be also proposed, that the corporations of the different cities should be impowered to build such houses of maintenance and correction, to appoint such officers, and to find materials of employment, and to dispose of the produce from the labours of those who may be sent thither; and that the officers should be instructed to grant discharges to none, without either good reasons or security for their future better behaviour. If there should be any deficiencies in the funds to be raised from the produce of such labourers, it should be made good by the governor out of a general tax of poundage to be laid for that purpose.

It is generally apprehended that such tax would not amount to half of what is now paid for poors rates: and as much as possible to prevent the further growth of licentiousness, it may be directed, that all boys and girls, wherever found begging, should be sent to such houses, and by the officers bound out to apprenticeship till the age of 21; this would be the means of making them afterwards industrious and serviceable to the public.

It is to be further observed, that supposing there are in Great Britain but 60,000 debtors unable to support themselves in confinement (many of whom have also large families, who become a burden on the parish) of servants out of place, of journeymen and servants who refuse to work for reasonable wages, and of prostitutes, beggars, thieves, robbers, and pickpockets, who at present are a terror [29] to the public; supposing such are sent to houses of maintenance and correction, &c. that one with another they are able to earn 6d. a day, and allowing 300 working days in the year, at that rate the produce of their labour would amount to 450,000*l.* sterling per annum; which would be a clear gain to the nation, as it is supposed by some such scheme being put in execution the difference betwixt the present poors rates and the tax to be laid for the above purpose would more than pay all the charges of buildings, and of salaries that must necessarily be paid to the officers who may be appointed to the charge of such houses of maintenance and correction, &c. under the direction of the magistrates in the different towns, and who may be ordered yearly to lay the account of their proceedings before the Parliament.

LETTER I.

SIR,

London, 17, Dec. 1760

I have read the sheets you were pleased to leave at the coffee-house for my perusal, and think the author's observations are well founded, especially with regard to hemp; for if encouragement was given to cultivate and grow that commodity in our American plantations, a few years would shew the great utility and advantage to these kingdoms, and in future prevent the imposition and fraudulent practice of the Russians, more particularly in time of war, when the consumption is large: they know we are intirely dependant upon

them; there is no other market to go to; we must have hemp at any price, be it ever so bad, and therefore little trouble is taken either in [30] breaking, cleaning, or assorting; but the various degrees are imported in the same package without distinction, under the denomination of the best break hemp, when in reality not one third part deserves that appellation: they have also got into a method of water packing, so that a cargo comes reeking out of the ship (like hay badly got in) and if it happens to be hurried, or lays any time before it goes to be manufactured, the very heart and substance is decayed and no strength remains.

In 1758 the hemp came bad, in 1759 still worse, and this present year intolerable most of the cargoes I have inspected, and can safely affirm, that the inferior sorts of hemp formerly imported by the names of oulshot and half clean (which used to fetch from 16l. to 20l. per ton) had more strength and would have made better cordage than the general of what is now imported as best Petersburg break hemp, and cannot be purchased under 28l. or 29l. per ton; in short, the consumption of that article was never greater, or so bad in quality, as at present.

That hemp will grow in America is certain; there is now a small parcel in town from Pennsylvania, injudiciously sent hither in a rough rude state, without any art to recommend it, and appears of little value, but upon trial has been found equal, if not superior, in strength to the Petersburg; and from the experiments that have been already made, it is evident the staple is good, and with proper care and management in the cultivation may in a few years be brought to the highest perfection.

As a maritime power it behoves us to be careful of that valuable article, or the consequence may [31] prove fatal to our shipping: the evil calls loudly for redress, and so long as we are under the necessity of having the whole of our consumption from Russia, we must submit to be thus treated; but if the Legislature should take the affair seriously under consideration, and grant a Bounty for the produce of HEMP in our own plantations, it would at least give a check to the iniquitous practice of the Russians, and in time be a great benefit to these kingdoms. I am,

S I R,

Your most humble Servant,

J. S.

LETTER II.

SIR,

IN obedience to your desire I perused your papers, and beg leave to make the following remarks upon what I presume to know a little of.

First, In regard to the trade carried on with Denmark and Norway there is a regular exchange between Copenhagen and London; that the value of naval stores from Norway is by betts, and not in specie.

2dly, In regard to the trade with Sweden you have not been full enough; there is no copper imported hither from thence; one year with another there is about 30,000 tons of iron sent to Great Britain and Ireland, value about 360,000*l.* besides from 20,000*l.* to 30,000*l.* more in tar, pitch, and deal boards, which is all paid by bills of exchange, exclusive of a considerable smuggling trade from Gottenburgh to the Isle of Man, &c. The Swedes have for many years prohibited all manufactures [32] from this nation, and take from us a very little tobacco, tin, lead, and now indeed they are forced to take sugars, &c. which they used to have from the French.

3dly, As to hemp, your friend has made very just remarks thereon; but I think you ought to REMONSTRATE still stronger how highly necessary it is to this nation to encourage not only the growth of HEMP and FLAX in the colonies, but that also more effectual ways and means may be fallen upon to strike more BAR IRON, seeing the commissioners of the navy have already experienced the goodness of the quality of some iron from Maryland, and equal to the best from Sweden; of which article there is yearly imported,

From Russia from 12 to 15000 tons.

Spain about 1000

Sweden 30000

46000 tons.

12

L. 552000 sterl. per ann.

The freight of 16,000 tons at a medium, reckoning betwixt peaceable and war times is 50 per ton, that is, 115,000*l.* The freight

of the same article from the colonies would be about double that sum, that is, 230,000*l*.

If this quantity of iron was sent us from our colonies, which in my opinion might be brought about in a few years, if ways and means were once fallen upon to get a good many of the poor distressed miners from Saxony to go to North America as servants, and by their means, with the assistance of negroes, lower the price of labour in America, which is the only thing wanted; as now in war time labour is dear in Sweden, where iron costs, with all charges, about 12*l*. per ton, which formerly in peaceable times used to stand us in but 8*l*. per ton.

London,

I am, S I R, &c.

29 Dec. 1760.

G. R.

THE
M A N N E R
Of PREPARING
H E M P
FOR THE
M A N U F A C T U R E R S.

[34] HEMP is a plant that delights in a warm rich soil of a good depth, and in Lincolnshire in England, where they have been used to cultivate it for these several hundred years, they sow four Winchester bushels to an acre in the first and second week in May (Old Stile) and watch it till it is an inch above ground, to prevent the birds picking up the feed. About the middle of July they pull the male hemp, commonly called the simble or summer hemp; the persons employed to do it go as carefully as they can through the whole land, and pull the summer hemp from the winter or karle hemp, usually pulled about the latter end of September or beginning of October; which is then bundled and placed upright to let the seed dry, and is afterwards threshed upon the hard ground: in this manner they will get about twenty [35] four bushels of seed from an acre of good hemp. The summer and winter hemp, so soon as dry, is put into bed pits filled with water and trod down, then covered with turf about two inches thick, and once a day tended to keep it down; in about twelve or fourteen days it is taken out, and spread to dry on the ground, frequently turning it.

When dry, the summer hemp is broke and swingled as flax; it is reckoned a good crop that yields about twenty stone of this sort per acre: A man will break about a stone and a half of this in a day. The winter or karle hemp is pealed and done with more ease, this being the work of children, for which they have 11d. per stone: an acre will yield besides twenty stone of the simble hemp, about

sixty stone of winter hemp, which bears a better price than the summer hemp.

It is to be remarked that in warmer climates they must not let the hemp remain near so long in the water. In some places in America, where they have heavy dews and warm weather, they do not put either hemp or flax into water, but only expose it spread upon the ground for some time, frequently turning of it, which has the same effect.

Hemp and flax are great impoverishers of land; in England the former is most generally cultivated on fenny lands; the latter on the best high lands; it has been computed that an acre of flax, including rent, manuring, dressing, &c. costs the farmer near 10l. per acre. Though it is not intirely owing to the dearness of Land in England but to the climate which prevents our having those plants in greater perfection. In Russia, from whence we have vast quantities of both these valuable materials, they have a great deal of snow in winter, [36] which much enriches their lands; and in summer they have a hot sun and clear air, which is necessary both for growing of the best hemp and flax, and for preparing them for the manufacturers; and in Egypt, which is a warm climate, it is the inundations of the Nile which enriches their lands; but it must be owing to their climate that they have finer flax than they have in Russia.

As there are of the British colonies under the same climate as Egypt, and those parts of Russia from whence we have hemp and flax, it is not doubted but they will produce as good as either of those mentioned places.

In England they pull a great deal of their flax green, which is not only the occasion of their losing the seed, but also of their difficulties in preparing it for the purposes of their manufacturers; whereas in warmer climates they let their flax stand till nearly ripe, and not only save the seed, and with greater ease prepare it for the purposes of manufacturers, but cloth made of such flax is of a finer colour and stronger texture than what is made of green flax.

If in England they let their flax grow till the seed is nearly ripe, it acquires such a harshness as it cannot be easily manufactured into fine cloths: it is believed this might be helped a good deal, if

they were to use the fining mills as in Holland, mentioned in the Dublin Society's letter, dated January 17, 1738.

As fruitful lands, warm climates, and good navigation are necessary to have such valuable products for merchandize as hemp and flax, and as all these advantages are to be found in North America; there is no doubt but that, on proper appli [37] cation, the British Parliament will grant encouragement for the growing and importing these valuable materials for manufacturers in and from North America; and to shew the necessity of making such application is the intention of this treatise.

As the manner of preparing hemp for the use of the manufacturers is little understood even in England, for the sake of those who may not have leisure to refer to the original, the following is an extract from a book published by Monsieur Marcandier at Paris, Anno 1758, on that subject.

That gentleman had observed that the common manner of watering hemp only served for the dissolving a tough gum which is natural to this plant, and binds its rind to the stalk, and therefore that the hemp should only be watered in proportion to the quantity and consistency of the gum; for if the hemp remains too long in the water the fibres of the rind or bark, being not enough united, they cannot all be separated from the stalk, nor will the threads be so long as they ought to be, as they will often break with the stalk.

For this reason it is dangerous to leave the hemp too long in the water, and there should be no other space fixed for the time of watering, but what is just sufficient for dissolving as much of this gum as to allow the hemp to be separated from the stalk without waste; it's probable that five or six days is sufficient for effecting this in France: although the hemp after it has been enough watered to make it fit for breaking or beating, will appear hard, elastic, and not proper for being refined or combed according to the usual method. Mr. Marcandier, by his observations and experiments made under the direction and by the advice of the go [38] vernor, has discovered, an easy method of giving it all the qualities it may require; the first watering, which made it proper for separating the hemp from the stalk, shews that water may again be used with the greatest advantage for separating the fibres from each other without any risque, by dissolving entirely any part of the gum which it might have retained. The preparation may be performed as follows:

After the hemp has been beat it may be bound up in small bundles about a quarter of a hundred each, by a cord tied loosely about the middle to keep them from mixing in the water, after all the bundles are dipped.

The bundles must be put into wooden or stone troughs, in the same manner as thread is put into a vessel to steep, and the trough filled with water, and the hemp left to be soaked and penetrated for so many days as shall be found sufficient for dissolving of whatever gum may have remained in it; three or four days will be found sufficient for this watering: after which all the bundles must be taken out by their bindings, and being twisted, they must be washed in running water to clean them as much as possible from the dirty and gummy water they were taken out of.

When cleaned in this manner, they must be carried to any convenient place and beat upon a board to separate those that remained too entire; this will be done to the greatest advantage, if every one of the bundles be laid upon a firm and solid block of wood, and the cord or binding slipped off it, and must be beat with a piece of wood, such as is used in beating of cloth when it is whitening, till such time as the thickest of the tops and roots [39] are enough divided; but at the same time care must be taken that they be not too much beat, or the fibres will be too much separated, and will not retain sufficient strength to be drawn through the comb: this part of the manoeuvre will be soon acquired from experience.

From what has been said it may be judged, when hemp has been too much watered, the fibres so easily separate, as to save the trouble of beating.

After having finished this part of the separation (which however easy it may be done, is the only part that requires any considerable time) it will be necessary once more to wash every bundle in running water, first holding them by one end, then by the other; and then the use of all these preparations will plainly appear, for all the fibres will then separate of themselves, and the hemp will appear as well dressed as if it had already gone through the combs.

The more rapid and clear the water is, the better will the fibres be separated and whitened; and when it has been cleansed as much as possible by the water, it must be put on poles to drip and dry in the sun; after this the fibres of the hemp will be disengaged like

so many threads of silk, and will be cleared, divided, refined, and whitened; because the gum which was the only cause of their coherence and nastiness, and of the different colours we find amongst hemp; is now entirely taken out of it: it even appears from experiments, that the blackest hemp, and that which is commonly least valued, will by this preparation acquire a greater degree of whiteness than any other kind.

[40] After the hemp has been well dried, it may be twisted a little to keep the fibres from mixing, and may then be given to the hemp-dressers to be refined: it will not now require to be combed so long as formerly; and this work which was before so hard as well as dangerous, on account of the dressers drawing into his lungs with his breath the unhealthy dust of the stalk, will now be changed into a very easy and safe labour.

By this means it will not be necessary to contrive mills to save either the dangers or fatigues of dressing; the hemp-dressers will have only an easy stripping of the hemp from the stalk, and the ordinary method of combing to go through; it will be the easier as the hemp is made more soft and pliable to be wrought, and will no longer exhale any dangerous dust, and all waste will be prevented.

If people choose to use fine combs, the hemp thus prepared will be capable of being refined so, as to equal the finest flax, and will yield a third part of exceeding fine tow; and that which used formerly to be mere trash, and sold to the ropemakers for a trifle, will by this method of dressing be of considerable value; for if it be combed in the same manner as wool, it will yield a fine white soft tow, of which we cannot yet judge to what different purposes it may be used. It may also be drawn out length-ways, and will yield a fine thread to be mixed with silk, cotton, wool, &c. and may furnish subjects for new discoveries in many kinds of manufactures. There are besides many combinations or mixtures that hemp may be used in, which are not yet known. The cloth made of this hemp will not require so long time to [41] be whitened, nor will the thread made of it require so many lyes as are commonly used.

These hints have given rise to another discovery, which is, that the coarsest of the refuse and sweepings of the workhouses contain

a substance of considerable value, which is now commonly thrown away or burnt, as its use was not before known; for it only requires to be beat, steeped, and washed in water to be of excellent use in making of paper. The many proofs we have made of this, leaves no doubt of the truth of it: hence we may judge of the value of this discovery.

The causes of our remaining ignorant of this plant has been owing to a bigotted custom, or implicit method of working or preparing of it, without considering that the fibres existed in the plant itself independent of all preparations of art, which could never either form or perfect plant; that all that art could do served only for the more ready taking off the bark and separating of its fibres; or that the rind is only a kind of natural bark which has its fibres joined or connected together by a gummy substance, which must be dissolved or taken off the hemp, and which not only renders it more difficult to dress, but likewise hurts the hemp itself.

After the nature and properties of hemp are sufficiently known, there is no doubt but that the farmers will find this method of dressing of it much to their advantage: and since in this province is reckoned to grow the best of hemp (if they would prepare and dress it by this method) they might assure themselves of a reward for their labour, whether they confine themselves simply to dressing of it, or spinning of it, or of making it into fine [42] stuffs. The governor, as a further encouragement, has promised his favour and protection to all who will cultivate hemp and dress it by this method. He has likewise offered an advantageous price to those who are not able to wait for a market, and will distinguish those who shall contribute to the establishment of a commodity so beneficial to the publick, and likewise who shall carry their manufacture to the greatest perfection. This branch of trade alone is sufficient to enrich the province, provided the women will employ themselves in spinning the hemp into fine threads; and the country people will, for their own advantage (during those seasons they cannot be employed by the farmers) employ themselves in raising and preparing of it; and the more perfect their manufactures are, the more they will be valued and used.

There are many provinces in this kingdom that have been enriched by the establishment of small manufactures of this kind.

The governor further desires all persons of whatever degree to seize so favourable an opportunity of being useful to themselves and to the community, by doing their utmost to inspire into the people a taste of manufactures and trade, which will be doing them infinitely more service than distributing any sum of money amongst them.

The work is common and easy, there is no expence attending it, and it will be of inconceivable advantage; from these first discoveries we may expect more afterwards; and that the different manufactures, in which hemp is used, may by this means acquire a greater sale, as they shall arrive [43] at greater perfection. Dated at Bruges, October 9, 1755.

Thus far Monsieur Marcandier, whose zeal for the prosperity and welfare of his country cannot be too much applauded.

DISTANCES in the English Settlements.

NOVA-SCOTIA is a peninsula separated from Cape-Breton by the gut of Canso, is about 270 miles in length and 60 in breadth; one half whereof is claimed by the French, whom if they had been allowed to keep, or even of the neck of land where they had two forts, one at the head of the bay of Fundy, called Beaujour, now fort Cumberland, the other on bay Vert, by letting in their Indians, they would have ruined that settlement, which is now as valuable to us for carrying on our fisheries, as the island of Breton was to them.—Joining to Nova-Scotia is the bay of Fundy, along which from its head at Chignets to Penobscott, about 240 miles, has been settled by the French, and are very fine lands.—From Penobscott begins our settlement of New Hampshire, at Norridgnock on the head of Kennebeck river.

From Norridgnock		NEW HAMPSHIRE.	
To Jackonick Falls	31	SCARBOROUGH	13
Richmond	33	Biddeford	7
Brunswick	16	Kennibunk	14
Yarmouth	15	Wills	6
Falmouth	10	York	16

PORTSMOUTH	4
Hempton	19
Newbury	13
Ipswich	14
Salem	14
To Lyn	8

MASSACHUSETTS.

Boston	9
Dedham	10
[44] Whites	6
Billards	7
Woodcocks	10
Providence	15
French Town	20
Darby	24
Pemberton	3
Stonington	10

CONNECTICUT GOVERNMENT.

NEW LONDON	15
Sea Brooke	18
Killingswor	10
Gilford	10
Brandford	12
To Newhaven	10
Willford	10
Stratford	4
Fairfield	8
Norwalk	12
Stanford	10
Horesineck	7
Rye	7
New Rochell	4
East Chester	4
Kingsbridge	6
NEW YORK	10

Norridgnoek in	}	504 Miles
New Hampshire		
to New York		
New York		
To Statem Island		8
Elizabeth Point		7
Woodbridge		13

NEW JERSEY.

Brunswick	13
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PENNSYLVANIA.

Princiton	15
Trentown	12
Bristol	10
Frankford	15
PHILADELPHIA	5
To Darby	7
Chester	9
Brundewine	14
New Castle	6
Elk River	17
Northeast	7
Susquihannah	9
Gun-powder Ferry	25
Pelapsco Ferry	20

MARYLAND.

ANNAPOLIS	30
Mount Pleasant	11
Upper Marlborough	9
Port Tobacco	30
Hoe's Ferry	10
Southern's Ferry	30
Arnold's Ferry	36
Clayborne's Ferry	22
Freencoux	12

VIRGINIA.		New River	30
WILLIAMSBURGH	16	Wilmington	30
Hog Island	7	Brunswick	15
Isle of Wight	18	Lockwood Folly	15
Court House		Shallio River	8
Nansmond	20	East end of Long Bay	22
Bennet's Creek	30	West end of ditto	25
Edenton	30	George Town	30
[45] Over the Sound	8	Santu Ferry	12
Bath Town	45	John Collaus's	18
Graves Ferry	30	SOUTH CAROLINA.	
NORTH CAROLINA.		CHARLES TOWN	30
NEWBERN	2	<hr/>	
White Oak	20	In all....	1369

Charlestown to Savannah, the capital of Georgia, about	100
From thence to the Spanish settlement	130
<hr/>	

1599

The mean breadth of all these settlements are about 280 miles, and together, not including Nova-Scotia, contain about 420,000 square miles.

The chief town in Rhode Island is NEWPORT.—In New Jersey are two capitals; viz. PERTH AMBEY for East Jersey; SALEM for West ditto.

From New York to Albany.....	175 miles.
Albany to Montreal	248
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New York to Montreal	423 miles.

The principal towns in each of the before-mentioned governments are distinguished by printing them in Small Capitals.

DISTANCES OF PLACES lately inhabited by the French.

Louisbourg to Quebec	360
Trois Rivieres	80
Montreal	90
Le Gallies	120
Fort Frontinac	90
Oswego across the East end of Lake Ontario	60
Magara Falls	160
A stone house	20
Lake Erie	10
Fort Presque Isle	90
Ditto at Beauf River	15
Fort Du Quebec, now Pittsburgh	120



1215

From Fort Du Quebec the river Ohio runs with a gentle current about	600
to the Falls, and is about three quarters of a mile wide, and about five or six feet deep.	
From the Falls it runs with an easy current near	300
to where it falls into the Mississippi, and about one mile wide.	
From thence to the sea is about	920
Total distances	3035

Miles from Cape Breton round the French settle-
ments to the mouth of the Mississippi.

The principal towns in Canada are QUEBEC and
MONTREAL; on the Mississippi, NEW ORLEANS;
and on the Gulf of Florida, MOBILE.

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IV

MISCELLANEOUS REPRESENTATIVES RELATIVE TO
OUR CONCERNS IN AMERICA (1761). BY
HENRY McCULLOH.

INTRODUCTION

The idea of stamp duties as a means of revenue in the American colonies did not originate with George Grenville. It had, in fact, been recommended a number of times before the framing of the Stamp Act of 1765. The measure was suggested by Archibald Cummings, a customs official of Boston, in 1716 and 1717, and he recurred to it again in 1722. Stamp duties were also recommended in 1728 and 1742 by Sir William Keith, sometime Deputy Governor of Pennsylvania, and that the policy was seriously considered in the latter year is evident from the fact that Governor Clinton of New York advised against it. At the time of the Seven Years War, the levy of stamp duties was seriously contemplated by the Newcastle ministry; William Pitt favored such a policy, as did also Governor Sharpe of Maryland. However, the individual to whom George Grenville was especially indebted for the policy made famous by the Stamp Act was Henry McCulloh, a holder of vast tracts of land in North Carolina and once a special agent of His Majesty's Government in the Carolinas.

McCulloh was a typical adventurer in the realm of colonial politics and economics. He is said to have been a merchant of London, and his home was at Turnham Green, Middlesex County. He probably became interested in North Carolina through his relations with Gabriel Johnston, to whom he advanced considerable sums of money between 1726 and 1733; indeed, when Johnston, in the latter year, was appointed Governor of North Carolina, McCulloh loaned him the funds to pay for his commission and to purchase the equipment necessary for his new station in life. In the meantime, McCulloh developed an interest in general questions of public administration and in 1733 his name appears in the Treasury Records. Some five years later, in 1738, he presented to the Treasury two memorials concerning the evils in the quit rent and land system of North Carolina, and asked to be employed to correct abuses and make improvements. These memorials came at an opportune time, for His Majesty's Government had not been able to secure satisfactory legislation on quit rents from the Carolina Assemblies nor to break up land speculations by the official classes. It was therefore decided to send McCulloh as a special representative of the Crown with

power to reform the administration of the land offices and to bring about better methods in the collection of the rents in North Carolina and South Carolina. He arrived in the latter colony in March 1741, and in September proceeded to North Carolina. It is not necessary here to give an account of his mission, save to note that it was a failure; he antagonized the official classes in both provinces and he did not secure the coöperation of the Assemblies. In 1747 he returned to England after an extended tour of other colonies. His experience in the Carolinas stimulated his interest in questions of colonial administration. In England he defended the protest of the Albemarle counties of North Carolina against the act of 1746, which had reduced their representation. He seems also to have been appointed naval officer at Cape Breton, an office which was vacated after the return of Cape Breton to the French in 1748. A few years later, specifically in 1753, he applied to Lord Halifax and the Duke of Newcastle for an appointment either as Secretary of North Carolina or Naval Officer for the Lower James River District. The former appointment he received in 1754, and in the same year, his friend Arthur Dobbs becoming Governor of the province, he was also appointed a member of the Council and appeared in that body in March 1755. However, he did not long remain in North Carolina; he probably returned to England in the same year to attend to business relating to his land grants. Certainly he was there in 1761, for in that year he sent his son, Henry Eustace McCulloh, to North Carolina to represent his business interests in the colony.

McCulloh's deepest interest in the New World was that of a land speculator. In 1737 the Crown delivered to Murray Crymble and James Huey, trustees for McCulloh, warrants for 1,200,000 acres in North Carolina, on condition that 6,000 foreign Protestants should be colonized. In 1745 the lands were surveyed in tracts of 100,000 acres, which lay on the upper Pee Dee, Cape Fear, and Neuse rivers. Two of the tracts were assigned to John Selwyn and two to Arthur Dobbs, later to be Governor of the province. All grantees were exempt from quit rents until 1756, by which time it was expected that settlements would be completed. Quite naturally there were difficulties in administration. It was found that 475,000 acres were included in the Granville District, and in 1755 a compromise was reached by which McCulloh was to become the tenant of Gran-

ville, paying him an annual lump sum until 1760, and thereafter four shillings per hundred acres for land actually settled, and releasing all claims to land not settled. This was the business that probably caused McCulloh to return to England in 1755. With the Crown, also, there were difficulties. By 1754 the number of settlers was only 854, instead of the thousands contemplated in 1737, but on account of the Cherokee War the period at which quit rents were to begin was extended to 1760. There were difficulties in carrying out this agreement, but in 1762 it was decided that McCulloh and his associates should retain the lands actually colonized at the rate of 200 acres for each settler, and that they should surrender all claim for the remainder. But when commissioners began to make a census of the settlers, they met bitter opposition, for many who lived near the South Carolina line claimed land under grants from that province, and others produced grants from the North Carolina land office. In Anson County the authority of the sheriff was invoked by the commissioners, but such was the temper of the people that all effort to apportion lands between the Crown and McCulloh failed. During the Revolution all property rights of McCulloh to lands in North Carolina were confiscated.

Such are the broad outlines of McCulloh's relations with the Carolinas. His experiences and observations caused him to think seriously concerning two problems of imperial administration. The first was the need of a stable colonial currency; so in 1755 he submitted to the Earl of Halifax a bill for creating and issuing bills of credit under the denomination of exchequer bills of Union, to be in general use in His Majesty's colonies. If this measure had been adopted, it would not only have solved the practical currency problems of the Seven Years War in America, but might have driven from circulation colonial currency. The other problem which concerned him was that of the terms of the peace that followed the war. This was the subject of a memorial submitted in 1761 to the Earl of Bute, entitled *Miscellaneous Representations Relative to Our Concerns in America*. Its theme is that England should not be satisfied with taking from the French merely Canada or Guadeloupe, for Canada would be a liability if Louisiana remained a French possession and Guadeloupe a hindrance to mercantilist ideas of trade unless the neighboring neutral islands were also acquired. As this meant that England, under terms of the peace, should take

everything in sight, McCulloh was indeed and in truth a territorial imperialist. But given the increase of territory, there remained the problem of imperial relations. It was his opinion that the whole system of administration should be reorganized. The Indian trade should be regulated, and to finance an Indian establishment in the colonies a "stamp duty on vellum and paper" should be imposed. The colonial currency must be regulated and made uniform. Improved channels of official communication between the colonies and England were necessary, and procedure in financial and judicial matters needed reform. A better illustration of the ideals of the new British imperialism that was soon to dominate colonial policy can hardly be found.

And this memorial was not the end of McCulloh's activity. In July 1763, he addressed a letter to Henry Jenkinson, Secretary of the Treasury in the Grenville Cabinet, in which he gave an account of the taxes collected in the Carolinas, Pennsylvania, and Virginia, noted that a stamp duty at the rates of six, twelve, and eighteen pence per sheet would raise £60,000, and enclosed two bills—one for stamp duties, and one for exchequer bills of credit. This communication was fruitful, for in the following October a comparative statement of stamp duties, including those recommended by McCulloh, those in force in England, and those proposed by the Treasury, was submitted to Grenville, and two days later (October 12) there was a conference between McCulloh and Grenville. Of all this the outcome was the adoption of the Stamp Act as a part of Grenville's program for colonial administration. Thereafter McCulloh is lost sight of; the date of his death is unknown, but he is referred to as living by his son, Henry Eustace McCulloh, as late as 1768.

The *Miscellaneous Representations* was discovered by the late William A. Shaw, editor of the *Calendar of Treasury Books and Papers*, and was published in a small edition some years ago by George Harding, noted English bookseller and bibliophile. It is now reprinted with the permission of Mr. Harding. All the known facts concerning McCulloh may be gathered from Mr. Shaw's excellent introduction, the *Colonial Records of North Carolina*, Mr. Bond's *Quit Rents in the American Colonies*, Gipson's *Jared Ingersoll*, (pp. 116-117), and Smith's *Grenville Papers* (Vol. II, p. 373).

Miscellaneous Representations

RELATIVE TO

OUR CONCERNS

IN AMERICA

Submitted [in 1761] to the EARL OF BUTE,
by HENRY M'CULLOH. Now first
printed from the Original MS., with
Biographical and Historical Introduction
by WM. A. SHAW, *Editor of the 'Calendar
of Treasury Books and Papers'*

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MISCELLANEOUS REPRESENTATIONS

RELATIVE TO

Our Concerns in America

In Order to form a right Judgment of the Importance of Canada, with respect to its Trade and Commerce, it may be proper to consider an Estimate of the Profits which heretofore accrued to France, from the said Commerce.

The Furr and Skin Trades was farmed out to particular Persons, [2] who thereby had an exclusive Right to the said Trade; and the *Couriers des Bois* acted under Licenses, which they purchased from them: the Amount of which Trade, according to the best Information I have been able to get, was one Year with another, about £240,000.

Their Trade in Shipbuilding, Corn, Tobacco, and Lumber sent to France and to their Islands, amounted to about £180,000 per Ann.

Their Fishery at Cape Breton, the Coasts of Gaspesie, and the Coasts of Newfoundland, amounted to upwards of £400,000 more per Ann.

The Freight upon all the aforesaid Trade, upon a moderate Computatⁿ amounted to upwards of £220,000 per Ann. And there were annually employed in the [3] said Fishery and Trade, upwards of 9000 Seamen.

In this View of the French Trade from Canada and the Parts adjacent, it will be found, that, after all the immense Expense the French Government put themselves to, in supporting that Colony, the principal Advantages arising to them therefrom was in the Fishery, and in having a large Nursery for Seamen: But their Views extended further, as their Design was to form a Line of Communication between Canada and Mississippi; and if possible afterwards to open some Ports upon the Western Ocean. But as they have miscarried in those Views; and that we have now the Government of Canada in our Possession, it may be proper to inquire into the Situation of the French in the Mississippi or Louisiana Government, and to endeavor to demonstrate, [4] that, if they even

ceded to us the whole Governmt^t of Canada, and afterwards exerted their whole Force in the Louisiana Government, they would be still able to annoy us, and to carry on a large and extensive Trade with the Indian Nations, which border upon the 5 Great Lakes, as well as those which lie between the Mississippi and the Apalatian Mountains.

Before the French made any Settlement on the Mississippi, the Indian Trade as before observed was farmed out to Private Persons who resided in the Canada Government; and several of those Farms were hereditary: which excluded those in the Mississippi Government from having any Share in the Trade in Skins and Furr^s with the Ouabacs; the Illinese; the Kikapese; the Puants; the Outagamese; the [5] Malamonese; or any of the Indian Nations to the North and East of the Mississippi. But it is to be presumed that if the French ceded to us the whole Government of Canada, they would renew their Licenses to such as live in the Province of Louisiana, and use all the Methods in their Power to cultivate a Friendship with the said Indians. And considering the great Emnity that has always subsisted between the Nations of Indians in their Interest, and in ours, it is more than probable that the French would be still able to continue the said Indians in their Interest; and to make use of them in annoying our Frontier Settlements, unless we fortify and navigate three of the 5 Great Lakes; which may be a good and effectual Means, under proper Regulations in [6] the Indian Trade, to draw several of the said Indians into our Views and Interest.

In this Light as conceived it will appear, that, if the French are left in Possession of Louisiana, our having Possession of Canada will not free our Frontier Settlements from being annoyed by the Indians, unless we regulate our Commerce with them, and fortify the Lakes: and that if we have Possession of the Lakes and the Territories belonging thereto, and also the whole Province of Acadia, the Remainder of Canada exclusive of the Fishery is not an Object of any great Moment to this Kingdom.

Guardeloupe is an Island of great Importance, and capable of Improvement; and yet if it should be ceded to us, the French Settlers having a Right to all the Lands in [7] said Island, and being from their religious as well as political Principles strongly prejudiced in favour of France, great Part of the Advantages

arising from said Island would from those Causes center in France; and many Kinds of French Commodities might be introduced among them by means of their Connections with the neighbour^s French Islands. And it might not only have an ill effect in this respect, but the s^d Island might also be made a Storehouse for the Introduction of many French Goods amongst the English Settlements in the West Indies, and on the Main of America. Therefore, I apprehend that if the 4 neutral Islands of St. Lucia, St. Vincent, Dominica, and Tobago (in which we have a Foundation of Right) were entirely surrendered to us, it might have a better effect, than even the keeping [8] of Guardeloupe upon the aforesaid Terms. And if the Lands settled by the French in the said Islands were disposed of, in the Manner the French Lands were in St. Christophers, they would produce several hundred thousand Pounds to the Crown.

Goree and Senegall are not of that Importance the Public considered them at first, yet, in many Respects, it might be for our Interest to continue them in our Possession; but if it is thought necessary upon any future Treaty to surrender them to the French, as humbly conce^d, great Care should be taken to word it, so as to prevent the French from claiming an exclusive Right of trading along that Coast. And as the French have for many Years claimed an exclusive Trade to the Gum Coast, great Care should likewise [9] be taken to regulate their Pretensions on that Head.

The Acquisitions we have made in the East Indies, are of great Importance, even more than is generally conceived. For, as we are enlarging our Settlements in America, and as the Planters there, as they grow rich, increase in Luxury and Expence, it will be found, that America will in time be a most profitable Mart for the Commodities of the East, and that vast Quantities of them will be consumed there.

Under this general View of Things it will appear evident, that as a trading Nation, it is our Interest to preserve Part of most of the Acquisitions we have made, and not to be content with any one Part, (such as Canada) in consideration of all the Rest. Especially, [10] as the enlarging our Footing in distant Parts of the World will enlarge our Navigation, and assist us in our general

Commerce by making one Part of Use in the Improvement of another.

By the Treaty of Utretch, there was a great Enlargement intended to our Territories in America; by allowing us all the Lands which of right then belonged to the 5 Indian Nations, which included the 5 Great Lakes and the Territories thereunto belonging: but by neglecting to form a System in American Affairs, all the Advantages which might have arisen to us, by wise and proper Regulations, were lost; and the French were thereby encouraged to make those Incroachments which gave rise to the present War. Therefore as the want of System was the main Inlet to the present War, if we do not [11] regulate, or establish a proper Course or Rule of Proceeding, all the Advantages we fondly hope for, will vanish into Air. And in the Consideration of this Point, there are several Matters to be attended to, which have a necessary Connection with, and Dependence upon each other. So, that if any one Part is neglected, the whole may fall to the Ground.

The 1st is, To ascertain our Bounds in America, and to have the Sovereignty of the Indians who fall within the said Bounds.

Secondly, To form a System in Indian Affairs, in regulating the Trade carried on with them; in which, particular Care ought to be taken to have all the Colonies act upon one system. And as it will require considerable Sums to make Presents to the Indians, and to put those Concerns upon a proper [12] Footing, it will be absolutely necessary to establish proper funds in America, by a Stamp Duty on Vellum and Paper; and also by regulating and lowering the Duties upon French Rum and Molasses.

Thirdly, If Funds are established to answer the Expence of the Government in America, it will be also necessary to regulate the Currency in the respective Colonies, and to have it the same in all. And if this is done, it becomes equally necessary, to regulate the Course to be observed in collecting and accompting for the Revenues in America; as there are at present Openings for many shamefull Abuses.

Fourthly, As all lesser Systems must depend upon the System observed in the Mother Country, nothing proposed can have its due Effect, unless the Offices abroad are [13] so regulated as to transmit every Matter of Importance, either with respect to the

Revenue or any other Matter in America, to the Plantation Office: And then, the Success of the whole depends upon the R^t Hon^{bl} the Lords of Trade and Plantations making a due and full Report to the Crown of all Matters that come under their Inspection. For, if the Channels of Information can be obstructed, or varied by different Modes of Application, it will leave Room for Connections which may defeat the whole of what is proposed.

Fifthly, In the forming of new Systems of Government in distant Colonies, many Difficulties may arise with respect to the Prerogatives of the Great Boards here; therefore, as humbly conceived, if anything of this Nature takes effect, it must arise from the Wisdom and [14] Goodness of the Sovereign, in appointing Special Committees for those Purposes.*

The System of the Great Offices here, with respect to America, ought likewise to be attended to; for, if our Course of Proceeding at Home is found to be irregular, it is impossible to redress the Grievances compl^d of in America. Whereupon I pray leave to observe, that by the System or Course of Proceeding in the Exchequer, the Lord High Treasurer or Treasury [Lords] when in Commission, have not (as h^{bly} conc^d) a Power to take Cognizance of any Matter but what is properly within the View of the said Court. And from this Cause it was, that all the Officers employed in the Collection of the [15] Revenues of the Crown in Normandy, were obliged to accompt in the Exchequer; as the Lord High Treasurer was not at that Time thought to have any Power or Direction over such Officers as were not brought within the View of the s^d Court. But from Custom of long standing, and from the Want of forming a System in American Affairs, the Receivers of His Majesty's Chief Rents in America, and the Auditor General of the Plantations are not brought within the View of the Exchequer, nor is there any regular Check or Restraint upon the said Officers, so as effectually to guard the Revenues of the Crown, and the Property of the Subject. And there are Openings left whereby they may be at liberty to do many Acts both prejudicial to the Rights of the Crown, and those of private Persons. [16] Now as the Auditor General of the Plantations, and the Receivers of His Majesty's Chief Rents in America, do not give in Bond in the Exchequer for the due

*In 1667, Special Committees were appointed for Matters of State and Grievances, and if renewed may be of infinite use in establishing a System of action in American Affairs.

Execution of the Trust reposed in them; nor bring in their Accompts to be passed and cleared according to the Rules of the said Court, it puts it in the Power of the said Officers, to oppress and harrass such Persons as may be liable to their Resentment. A recent Instance of which may be given in a present Attempt agst me.

There is another Thing, which as humbly conceived, ought to be carefully attended to, and which has hitherto stood in need of great Redress; viz^t That in Petitions of Complaint arising in America, there is no settled Course of Proceeding with respect to the Method of Form which ought to be observed. [17] As they are at present usually referred, and put into a Course of Justice, without first examining (which as conceived, should always be done) whether the Persons preferring the Complaints are properly Parties, and aggrieved by the Matters complained of; or in Case the Complaint arises from Officers of the Crown, whether the Matters complained of come properly within the View of their respective Offices. The omission of which previous Examination is often productive of great Injury to the Innocent; and leaves an Opening for many litigious and ill disposed Persons to injure such as are exposed to their Resentment. For altho' the Matters may be really false, yet the Delay and Expence given in getting rid of such false Charges, may prove ruinous to the Innocent Party accused. And for [18] this evil, there is not, as I know of, any Remedy or Compensation: For the Courts of Law in the Plantations cannot take Cognizance of a Matter which has undergone the Consideratⁿ of the Council Board; nor does His Majesty in Council ever grant Damages in those Cases to the Party aggrieved; nor do Matters of this Nature come within the Rules or Redress of our Courts of Law here. And this Course of Proceeding has still a further ill Tendency: For when Factions are raised against His Majesty's Governors in the Plantations, if such factious Persons proceed in an undue and irregular Manner, it is in fact a Suspension of the Gov^{rs} Power, and obstructs him in the Executⁿ of his Duty. Therefore if the Complaints against Governors arise only from such as have received no immediate [19] Damages thereby; or if the Matters complained of are only from loose and general Suggestions,

in these Cases, as humbly conce^d, there should be the greatest Care taken to discountenance and silence such Reports, and to put a stop to them in the first Instance. But, on the other Hand, if any Persons were really injured by the Gov^{rs} acting contrary to his Instructions, or by his obstructing the due and legal Course of Business, the Subject ought to meet with Encouragement and Relief. But in order to do this, and to distinguish properly between those who have been oppressed, and those who act from factious Principles, all Complaints should be originally lodged at the Plantation Office, where the Records from the Plantations are supposed to center. And this seems to have been the Intention of Lord Sommers in [20] his Plan of a Board of Commerce, and of the Crown in making all the principal Officers of State extra Members of the said Board.

The preferring of Petitions of Complaint to His Majesty in Council, or to the King by the Hands of the Secretary of State, and afterwards referring them to the Plantation Office, may in many Cases have an ill Effect, as it is apprehended, that the R^t Hon^{bl} the Lords for Trade and Plantation, are thereby in a great Measure limited with respect to their Report: As they have not, (and as humbly conce^d cannot upon those Occasions) reported upon any Matter that is not within such References. But in the other Course of Proceeding, as their Lordships would judge by the Records, they would be able to distinguish properly between Complaints which arise from Oppression, [21] and those which arise from factious Principles.

By a Statute of 38th Edward the 3^d, Chapt. the 9th, it is enacted, that whosoever made Complaints to the King, and could not prove them against the Defendant, should be imprisoned, until he satisfied the Damages and the Slander suffered upon such Occasions, and after make Fine and Ransom to the King. There is likewise a Statute of the 11th and 12th W^m the 3^d for the Punishment of bad Conduct in His Majesty's Gov^{rs} which wants much to be explained. The first-mentioned Statute cannot now be put in force, because such Matters were originally determinable before the King in Council, or before the Star Chamber. But these Acts, if renewed

and enforced, under proper Regulations, might have an exceeding good Effect with respect [22] to the Course of Proceeding in Complaints preferred to His Majesty in Council. And if the Regulations above mentioned are carried into Execution, it will be likewise necessary to obtain a Law to enable the Sovereign to punish all such Officers of the Crown as deviate from their Duty under such Regulations.

V

JUSTICE AND POLICY OF TAXING THE AMERICAN
COLONIES IN ENGLAND (1765). BY MAURICE
MOORE.

INTRODUCTION

The story of resistance to the Stamp Act in North Carolina has often been told. It centered in the lower Cape Fear region, and its records are mainly those of action, rather than of thought and philosophy. Indeed, a single record of the latter kind survives. It is the pamphlet of Maurice Moore, *Justice and Policy of Taxing the American Colonies in Great Britain Considered*, etc., which repudiates the British claim that the colonies were virtually represented in Parliament.

Maurice Moore belonged to a family long prominent in the political annals of North Carolina. Among the immigrants from the Barbadoes to Charleston was James Moore, who there married the daughter of Sir John Yeamans, Governor of Carolina. His son, Maurice Moore the elder, led one of the expeditions sent by South Carolina to aid North Carolina in the Tuscarora War, and after that conflict he settled in the colony, first at Beaufort and later, about 1724, on the lower Cape Fear. Two of his sons won distinction in the revolutionary movement, General James Moore and Maurice Moore, Jr.

By profession Maurice Moore, Jr., was a lawyer. He was educated in New England, and in his native region he won a reputation as "the honest attorney." From 1754 to 1774 he represented the borough of Brunswick in the Assembly, with the exception of the years 1760 and 1761, when he was a member of the Council. In 1765 he was appointed Associate Justice of the province. From that position he was suspended by Governor Tryon on account of his participation in the resistance to the Stamp Act, but he was restored to office by order of the Crown. From 1768 to 1772 he was prominent in the agitations and measures relating to the Regulators. In 1768, writing from Salisbury, he informed Governor Tryon that civil processes could not be executed in some of the western counties, and he was appointed Colonel of a company of Volunteer Light Dragoons in Tryon's first expedition into the disaffected region. Doubtless for these reasons he was especially odious to the Regulators, and in 1770 a libelous letter criticising him, attributed to Hermon Husband, was responsible for Husband's expulsion from the Assembly. In 1771 he was a member

of the special court at Hillsboro which tried the more prominent Regulators. But thereafter he was inclined to leniency, and in 1772 he held that there could be no further prosecutions under the riot law, and also liberally interpreted that law. In the meantime, to him was attributed a severe stricture upon Governor Tryon, especially denunciatory of his policy towards the Regulators, which was published under the pseudonym "Atticus" in the *Virginia Gazette* of November 7, 1771. In 1775 he was a member of the commission appointed by the Hillsborough Congress to reconcile the Regulators to the cause of the Revolution.

In the later revolutionary movement his rôle was unique. He was a member of the provincial congresses of 1775 and 1776 from the borough of Brunswick, but as the hour of separation from England approached, he proved to be a conservative. In January 1776, he wrote to Governor Martin, declaring that he favored a reconciliation with the mother country on the basis of the *status quo* of 1763, and that if Martin would submit such a compromise to the people of North Carolina, it would be accepted by them. Martin's reply was not unfavorable, but negotiations were impossible because the plans were then in operation that led to armed clash at Moore's Creek Bridge the following month. A year later, in January 1777, Judge Moore died. His son, Alfred Moore, was appointed in 1799 Associate Justice of the Supreme Court of the United States.

It was in 1765 that Judge Moore made his contribution to the political literature of the revolutionary controversy, viz.: *The Justice and Policy of Taxing the American Colonies in England*. The noteworthy feature of the pamphlet is not the conventional distinction between internal and external taxation, but the denial of any right on the part of Parliament to tax the colonies, and also a criticism of the claim of virtual representation in Parliament. Taxation, he holds, is through representation, but the real basis of representation is the possession of certain classes of tenure, rather than residence in a shire or borough, and these tenures exist in America as well as in England; therefore British subjects in America have the right of representation, constitutionally. As to virtual representation of America in Parliament, it does not exist as a reality, and if it is anything more than a theory to meet an existing crisis, why were the colonial assemblies called upon to vote taxes in the colonial wars? Why were not the colonies then taxed by Parliament? How-

ever, the colonists should meet their quota of the revenue needed by the Empire, but that quota can be raised constitutionally only by taxes imposed by the assemblies. Indeed, the only permanent unity between the colonies and the mother country must be one of equality, by which "each may advance the other's interest while he labours for his own"; any other relationship than this will in time produce something other than "dependence."

There seems to be no reference to Judge Moore's pamphlet in the reviews of the literature relating to the Revolution. The reason thereof is the very practical one that a single copy only is known to exist. It is in the possession of the University of North Carolina, and it is now reprinted with the permission of that institution. An earlier reprint occurs in the *North Carolina University Magazine*, Vol. I, pp. 72-77, 85-86 (1852).

JUSTI •

OF TAXING

THE AMERICAN COLONIES,

IN GREAT-BRITAIN, CONSIDERED:

Wherein is shewed,

That the Colonists are not a conquered People:— That they are constitutionally intitled to be taxed only by their own Consent:— And that the imposing a Stamp-Duty on the Colonists is as impolitic as it is inconsistent with their Rights.

NON SIBI SED PATRIÆ.

By MAURICE MOORE, ESQUIRE.

WILMINGTON, [NORTH-CAROLINA]

Printed by ANDREW STEUART, and sold at his Office, near the Exchange, M,DCC,LXV.

[3] THE JUSTICE AND POLICY OF TAXING THE AMERICAN
COLONIES IN GREAT BRITAIN, CONSIDERED

Whether the Commons of England made up a part of the Saxon Wittingham Mote, hath been a subject of great dispute; and altho' this point has never been fully determined, yet it seems to be agreed by the authority of two learned writers, (a) that they were always called to attend it, whenever the *exigencies* of the state made a tax *necessary*; without doubt, to make known their circumstances, and to suggest to that assembly some mode of taxation that was likely to be the least burdensome to them. This just and laudable practice prevailed 'til the time of William the Conqueror, when that prince erected a new court or parliament, of which the commons were no part, and changed the Allodial tenure of the Saxons into the Feudal, and annexed certain rents or services to all his grants, from which, together with fines and forfeitures, the crown was abundantly supplied; it therefore seldom happened that any were taxed in this court; but when it did, they were tallaged to one tenth part of their estate only, and none but villeins were ever liable to be taxed at will.

This method of tallaging those who were subject to it, continued but for a few reigns after the conquest, and then a regular parliament was established, which consisted of the Superior and Inferior Barons, Citizens and Burgesses, who it is said, (b) at first sat together: But when they had [4] formed themselves into distinct

(a) Spellman and Maddox.

(b) Ld. Coke.

houses, the representatives of the people laid claim to their ancient and equitable right of taxing themselves and constituents, and have ever since, with the greatest propriety and justice, enjoyed it.

From this slight view of the mode of imposing taxes for public benefit, so long practiced in Great-Britain, (in the course of which there has been no other interruption, than that occasioned by the Conquest) it is clearly to be inferred, that the right of prescribing the measure and manner of raising all taxes is a constitutional one, which was enjoyed by the ancestors of the Colonists; and the present inhabitants of Great-Britain, as early as they have any knowledge of them from history, and has been handed down to them under

the influence of reason and justice, through a course of several hundred years.

Nothing can be more consistent with the rights and liberties of a free people, than whenever the good of the community requires a part of the private property of Individuals, that they should be allowed to give it in such manner and proportions as their situation and circumstances can best afford; indeed they cannot be free without it; for if any sublunary power in being, can deprive them of part of their estate without their consent, the same power may take away the whole; and if it appears to them to be a measure of justice, prescribe 'em into the bargain.

The inhabitants of the Colonies upon the Continent (other than those acquired in the late war) have always thought, and I believe ever will think, all the constitutional rights and liberties enjoyed [5] in Great-Britain, at the time they departed from it, their Birth-Right, and that they brought them over with them to America; among which, that of being taxed only by their own consent, is one of the most essential.

It is certainly very natural, that those who transport themselves from one country to another, should as well carry with them the Laws and Policy, as the Customs and Manners of the country from whence they came. But it hath been said from the authority of a very learned Judge, (c) that the Colonies are conquered countries; and that therefore the law is what the King pleases; but however learned and respectable the person might be who gave that opinion, I shall not hesitate to declare that I think the subject was not well considered, and that it was founded on no Law whatever. Puffendorff, in speaking of the different forms of government, takes occasion of mentioning two methods of treating the inhabitants of conquered countries: one is, when the victor removes 'em to his own country, or gives them the same privileges with his former subjects; the other is, when they are left to enjoy their ancient seats, but entirely lose the sovereignty of the country. In this last case, he says, they are subject to the conqueror; but is the circumstance of any of the Colonies, other than those already excepted, similar to either of these cases? They surely are not. The ancient inhabitants of the Colonies have neither been removed to Great-Britain, or left in possession of their lands; nor did they ever submit to, or acknowledge

(c) Holt. Smith's case.

[6] themselves subject to any foreign power upon earth, but have long since abandoned the country, and retired into remote parts of America, where they are governed by their own laws and their own magistrates. It therefore cannot be said with the least propriety, that the laws which these Savages alone, had they staid in the country, would have been liable to, as a vanquished people, are applicable to the present inhabitants of the Colonies, who themselves, are the conquerors. The earth, the air and trees, are by no means the object of any human laws whatsoever, otherwise than as they bear respect to the concernments of men. It must then be the conquered people, who are subject to the laws of the conqueror, and not the country.—The Colonists seem to stand on the same footing with those who leave their own country, and settle themselves in a new one which was not inhabited before: If they do, and I think it must appear so to any man who will give himself the trouble of considering this subject, then there is the opinion of the same learned Judge (d) in favour of what I have advanced; which is that, the Colonists have brought over with them every constitutional right, liberty and privilege; and if being taxed only by their own consent is one of them, they cannot, with the least degree of justice, be taxed by the British parliament, in which they are not represented, no person in that assembly being authorized to signify their consent: Few persons there, are acquainted with their circumstance, and perhaps none know what mode of taxation would be least burdensome to them.

(d) Holt. Blankard's case.

[7] It hath indeed pleased some of the honourable members of that august assembly to say, that the Colonies are virtually represented in parliament; but this is a doctrine which only tends to allow the Colonists a shadow of that *substance* which they must ever be slaves without. It cannot surely be consistent with British liberty, that any set of men should represent another, detached from them in situation and interest, without the privity and consent of the represented. The office of a representative is founded on choice, and is intended for the benefit of the constituents: A representative is to act in every respect as the persons who appointed him to that office would do, were they themselves present: And hath the members of the House of Commons, or any of them, been chose by

the Colonists to represent them? Hath their conduct in respect to the Stamp Duty been consistent with the interests of the Colonists? Or hath that conduct been such as the Colonists would have adopted, had they been present in parliament? No surely: So far from it, there are very few members of that assembly, who have ever been heard of in America. The Stamp Duty is inconsistent with their interests, and the mode of imposing it, destructive of their most essential rights and liberties. It is very fortunate for the present members of parliament, that for all that can be done in the Colonies, they have an estate for life in their office; for I believe I may venture to say, that no Colonist in his senses, would ever desire to be again represented by the same people.

To prove that the Colonists are within the [8] meaning of the doctrine of virtual representation, they have been compared to the inhabitants of several corporate towns in England, to the East-India company, the body of London merchants, to the proprietors of the public funds, to women and children, and in short, to all those who do not vote for electing of members of parliament, who are all said to be virtually represented: On the justice and truth of this comparison intirely depends the decision of this question. It may therefore be necessary to observe, that by the ancient English constitution, none were actually represented in parliament, other than Shires, the Cinque-Paris, Cities, and Antient Boroughs, and the elections for them were made by freeholders, and those who held by free burgage tenure; all villeins, copyholders, tenants in antient demeine, and tenants of lords, were excluded from electing or being elected: but at latest, in King John's time, a practice obtained of making free boroughs by charter, by which means they became intituled to send members to parliament, and it continued till the reign of King Charles the Second, when the House of Commons voted the elections made by virtue of that King's charters void, and so put a stop to the practice. From hence it is evident that the right that those derive from their particular species of property, peculiar franchises, and inhabitancy in particular places, is not an exclusive one, because it either depends on that which may, through the bounty of the crown, be extended, at least to its American subjects, or on a certain species of property that may be bought and sold, [9] and which the Colonists are capable of possessing in

any part of the King's dominions. If the right of being actually represented in parliament, is constitutionally annexed to freehold estate, the American freeholders can with no more justice be deprived of it, than they may of their freeholds. And the power of, dispossessing them of either, cannot, from the nature of the British constitution, (which is formed on the foundation of securing to every individual his right, liberty and property) be lodged with any other person in being, than themselves: The acknowledging them to have a right of being taxed only by their own consent, is yielding them that from which they never can derive the least advantage, while ever that of actually choosing their own representatives, is withheld from them.

The notion of virtual representation, may, for all I know, be consistent enough, while it is confined to Great-Britain only; its inhabitants intimately reside together; the interest and circumstance of those who do not vote for representatives, are the same with those that do; and are equally well known to, and understood by such representatives. It cannot then be imagined, that the virtually represented in Great-Britain, can ever be subject to any imposition, that will not be extended to, and equally affecting to the electors of members of parliament: And tho' certain corporate towns, the East-India company, the body of London merchants, proprietors of public funds, the monied interest, and women, are not respectively as such, actually represented in parliament; yet many of the members of them (women excepted) are intitled to vote for representatives; [10] and if they were not, the influence they, and particularly women (through whose means votes are often obtain'd) must necessarily have, from their intimate acquaintance and connection with the electors, is such as must render the choice in a great measure agreeable to them. But hath the Colonies any of these advantages? They certainly have not: They live above a thousand leagues from Great-Britain; their interest and circumstance are not similar to those of the British inhabitants; nor have they been well considered or understood by the British parliament. The Colonists have suffered many impositions, as may be seen by the several acts of trade which have been borne by them alone, and which not otherwise affected the electors or members of parliament, than as they were obliged to receive the profit arising from them. The Colonists cannot have the least influence either with the electors

or elected, they are almost unknown to either of them, unless as mere vehicles of trade; in which light indeed they have been long known and considered.

If those who have been for bringing the Colonists within the meaning of virtual representation, by comparing them to certain corporate towns and persons in England, had been pleased to mention why those places and people are virtually represented in parliament, they must at the same time have proved that there is no similitude between them and the Colonies; for all these places lay, and body of men reside in some country or other of Great-Britain; and tho' nine tenths of the inhabitants of any county should not be intitled to vote at an election, yet are they a part of that county, and as such, may be virtually [11] represented by those who have been elected to represent the whole county: But here the virtually represented know their representatives, and may, indiscriminately with the freeholders, at any time, instruct them what part to act in cases of importance: But I should be glad to be informed, in what county in England the Colonies are situated? If in no one at all; who are their particular virtual representatives? To say that they are represented by the whole body of the House of Commons, will be to leave them without that advantage of giving their representatives occasional instructions, which the virtually represented in England have; for it cannot be imagined, that the conduct of the House of Commons can ever be subject to the direction of the Colonists. The same reason then why certain persons in England (who have been excluded from voting at elections, merely for conveniency) may be virtually represented in parliament, doth not hold good in respect of the Colonies; I therefore conclude that they cannot be represented in the same manner: But if it should be still insisted upon, that they are, I would then humbly propose, that the Colonies be divided into five hundred and fifty-eight districts, and that each of them be numbered; that for the future, all writs of election in England, shall direct the voters to chuse a person to sit and vote in parliament as real representative of the county, city, or borough, for which such writ shall be issued; and as virtual representative of the five hundred and fifty-eighth part of the Colonies of such a number; and that each district be made acquainted with its particular virtual representative. [12] By this means the Colonists will know, to whom they are to direct their instruc-

tions; and will so far be upon a footing with the virtually represented in Great-Britain. That the notion of the Colonists being virtually represented in parliament, is of late date, is evident from the numberless acts of oppression and tyranny that have been practiced upon them by officers of the crown commissioned in England, and sent over to America, which have been repeatedly made known, and complained of in England; and whenever it hath happened that they were conveyed to the Royal Ear in Council, it hath constantly been thro' the channel of the Board of Trade: But in no one instance, that I know of, did ever the British parliament represent to the crown any grievances felt only in the Colonies, or make application to the Sovereign for a redress of them, and as a grand inquest for the whole kingdom, (had they thought themselves the representatives of the Colonies) they would never have negligently passed over a duty which was indispensibly incumbent upon them. And that the British parliament doth take cognizance of such subjects, when they happen in Great-Britain, is undeniably true; and would it not be want of humanity, to suppose that they have always considered themselves as the representatives of the Colonies, and yet have ever neglected to render them an essential service, to which all those they represent, are indisputably intitled. To the inhabitants of the Colonies I have been speaking of, the crown has been graciously pleased to grant respectively the plans of exercising their constitutional rights. [13] I have now before me a Charter given by King Charles the Second to the province of Carolina, and observe, one of the principal objects of this Charter, was to encourage the settlement of that colony, in which few resided at the time it was granted; nor was it then likely that many would leave their native country, wherein they enjoyed every right and liberty an excellent constitution could afford, and come over to the deserts of America, unless by some means or other, an enjoyment of those rights and liberties in Carolina, could be secured to them and their posterity: One of these was, to be taxed only by their own consent, signified in parliament by representatives actually chosen by themselves; and as the remote situation of Carolina from Great-Britain, rendered it impossible for those who should inhabit that province, to run over to England whenever a new parliament was to be summoned.—King Charles thought proper to grant, that an assembly should be called and established by the proprietors, and that the freemen of Carolina, should

consent, by themselves, or deputies in that assembly, to all laws whatsoever, that might respect the public state of the whole province or territory, or of any distinct or particular county. And had the crown considered the Colonists as being virtually represented in parliament, such a grant would have been extremely absurd; for no set of people can be represented at one time in two distinct and independent assemblies, which may counteract each other: This might be to make the represented grant and refuse in one instant the same thing, which is impossible, from the nature of the human [14] mind. That it is a matter intirely new in England, further appears, from the constant and repeated applications that have been made by the Crown in the course of the last war, to the assemblies in the Colonies, for supplies; which, if the British parliament could have given, might as easily have been asked for in England; and in all probability, would have been much more liberally granted; but the parliament had not then imagined themselves the representatives of the Colonists; if they had, would they not have interposed and asserted their right of taxing their constituents? More especially, as the poverty of the Colonists often obliged them to grant much less than the Crown required, and the burthen became proportionably heavier in Great-Britain, as it was lighter in America; would they not have acquainted the King that they were the Colony representatives, and that the Colonists might be much more copiously taxed in parliament, than it was likely they would choose to be, if their consent was to be asked in their own provincial assemblies? Without doubt they would; but the truth is, the notion of their being virtually represented, had not then an existence, but which had been since introduced, to cover the shackles which have been prepared for the Colonists in their present state of inability, by those, who being wholly attentive to themselves, forget that the Colonists are their fellow-subjects: that they were born free, and are intitled to every British constitutional right and liberty, as well as themselves; or that to do them injustice, is as criminal, as to deal unjustly with those they really represent. To impose a Tax on the Colonies, in the British parliament, appears to me, to be a measure almost as impolitic as it is inconsistent with the rights of the Colonists; [15] for as they are unalterably of opinion, that such an imposition is no less arbitrary than oppressive, it will by degrees alienate their affections from the Mother Country; the seeds of discontent will

be sowed in the Colonies, and children will be taught to hate the name of those who have enslaved their country; the principles of disaffection will increase with their years, and the spirit of rebellion grow formidable with their numbers; and in the course of a century or two, it will cost Great-Britain more to keep them in their state of subjection, than all the profits arising from them, will pay: And if it did not, the story of Julius Caesar, is enough to shew that there is danger in a standing army abroad.

The Stamp Duty is itself a burthen too great for the circumstances of the Colonists to bear, considering the many restrictions that have been put upon their trade, which are at present rigorously enforced throughout America: It will occasion a discontinuance of industry, and must in the end, reduce them to a state of beggary; they will no longer be able to purchase the manufactures of the Mother Country, or furnish her with materials for making new ones. Great Britain then loses a trade, from which she hath derived her greatest opulence and dignity, and this too by insisting on a measure destructive of the peace and happiness of many thousands of as loyal subjects as any the King has. Can this be consistent with the wisdom and humanity of a British parliament? I think it cannot. The act imposing a Stamp Duty, will surely be repealed, as soon as its consequences are well considered. I am persuaded, the more closely united the Mother Country and the Colonies are, the happier it will be for both; but such an union will never take effect, but upon a foundation of equality: They must be upon such a footing, as that each may advance the other's interest, while he labours for his own. A very sensible and elegant writer (a) in speaking of Colonies, hath observed that, "It is not to be hoped, in the corrupt
"state of human nature, that any nation will be subject to another,
"any longer than it finds its own account in it, and cannot help
"itself. Every man's first thought will be for himself and his own
"interest; and he will not be long to seek for arguments to justify
"his being so, when he knows how to attain what he proposes.
"Men will think it hard to work, toil, and run hazards, for the
"advantage of others, any longer than they find their own interest
"in it; and especially for those [16] who use them ill: All nature

(a) Cato's Letters.

"points out that course. No creature sucks the teats of their dams,
"longer than they can draw milk from thence, or can provide them-

“selves with better food; nor will any country continue their sub-
“jection to another, only because their great grand-mothers were
“acquainted. This is the course of human affairs; and all wise
“states will always have it before their eyes. They will well
“consider, therefore, how to preserve the advantages arising from
“Colonies, and avoid the evil. And I conceive that there can be
“but two ways in nature to hinder them from throwing off their
“dependence; one to keep it out of their power, and the other
“out of their will. The first must be by force, and the latter by
“using them well, and keeping them employed in such productions,
“and making such manufactures as will support themselves and
“families comfortably, and procure them wealth too; or at least,
“not prejudice their Mother Country.—Force can never be used
“effectually to answer the end, without destroying the Colonies
“themselves. Liberty and Encouragement are necessary to carry
“people thither; and violence will hinder both, &c.”——I do
not pretend to be politician enough to point out the methods that
will most effectually secure the dependency of the Colonies; but
I am as much convinced, that just and equitable ones may be dis-
covered and pursued, as I am, that force and oppression will one
day or other, produce a contrary effect. It would be no injustice
that the Colonies should bear a proportionable part of the heavy
expense that hath been incurred in the course of the late war; and
I am persuaded, that no man of sense in the Colonies would oppose
it; but they should be allowed to consent to it, according to their
constitutional right, in their own provincial assemblies, where they
are really represented. And in estimating such proportion of ex-
pence, their number, circumstance, and the restrictions on their
trade, should be considered: But if the British parliament will
insist on taxing the Colonists, as their virtual representatives, then
are they stripped of that constitutional right on which their liberty
and property depends, and reduced to the most abject state of slavery;
a situation, in which, it is very unnatural to think, a Mother can
take pleasure in viewing her Children.

E N D.

ERRATA. In p. 41. 23 for proportions, read portions.

VI

THE PETITION OF REUBEN SEARCY AND OTHERS
(1759) AND ADDRESS TO THE PEOPLE OF
GRANVILLE COUNTY (1765), BY GEORGE
SIMS.

INTRODUCTION

The Regulator movement is a familiar theme in the history of North Carolina and needs no extensive description or comment. It was an organization of protest formed in the western counties in 1768 against the character of the local administration, which finally resulted in revolt. Its background was the scarcity of money, the incidence of taxation, and the land policy of the Granville District.¹ Prior to the Regulation there was the Sandy Creek Association of 1766, and earlier than this were two protests in Granville County, one sponsored by Reuben Searcy, the other the work of George Sims.

The Petition of Reuben Searcy and Others was presented to the County Court of Granville on March 23, 1759. The burden of its complaint is the conduct of Robert (Robin) Jones Jr., Attorney General of North Carolina, in that his fees were extortionate and that he had prevented the appointment of justices of the peace for the upper part of Granville. The fee question was nothing new; it was chronic throughout the colonial period and was one of the leading complaints of the Regulators. Regarding the appointment of justices, the facts were as follows: In 1765 the justices commissioned for Granville refused to serve because the name of Robert Harris had been stricken from the list of nominees, and upon investigation by Jones they declared that the entire list must be purged. Thereupon Jones recommended to the Governor and Council that fourteen out of the twenty-three appointees be dropped and that six new names be added to the list; in this manner the upper part of the county was slighted.

Developments following the Searcy petition were full of interest. It is probable that Searcy was prosecuted for libel, but there is no record of such action.² By the following May the trend of events made Jones exceedingly unpopular. This was due to the Enfield riot and its consequences. In November 1758 certain groups of people, dissatisfied with the excessive fees and the general maladministration in the land office of Earl Granville, petitioned the Assembly for redress. Although there was an investigation, which ultimately led to the dismissal of Francis Corbin, Granville's agent, the only im-

¹ See the standard discussion by Bassett, J. S., *The Regulators of North Carolina (Annual Report, American Historical Association, 1894, pp. 141-312)*.

² Hermon Husband, *Impartial Relation*, etc., p. 9.

mediate result was a publication of the fees charged by that official. Thereupon a mob was organized, which late in January 1759 rode to Edenton, seized Corbin, carried him to Enfield and there made him agree to appear at the next term of Granville court to stand trial for extortion. Thus certain people took the law into their own hands. If they should be prosecuted, the prosecutor would be Robert Jones, the Attorney General, and it is probable that at that time he was also prosecuting Searcy for libel. Consequently threats were made against him, and in May he informed the Governor and Council under oath that "he had heard it was intended by a great number of rioters to petition the court at Granville to silence him, the deponent, and that if no such order was made, to pull deponent by the nose and also to abuse the court." The Assembly recommended that the Governor take measures to suppress the unruly spirit in Granville, if necessary to use the militia. Governor Dobbs did issue a proclamation and certain persons were arrested, but the mob broke into the gaol and released them. Francis Corbin undertook to bring suit against the rioters, but desisted when he was informed that litigation would disclose the fact that he had done things unwarranted by the law.

Such is the story of discontent in Granville before 1765. In that year the cause of the people found a new champion in the person of George Sims, who wrote *An Address to the People of Granville County*. Again the burden of complaint is excessive fees, the extortionate fees of the lawyers and the arbitrary fees of Samuel Benton, Clerk of the Court; and in addition to fees, the collusion of the official class with creditors in making execution against property for debts. The document thus calls to mind the grievances of the Regulators. However Sims expresses full confidence in the British constitution, the colonial Assembly, and even the county justices; and to the justices as well as the Governor he proposes to appeal in seeking redress. In contrast, the Regulators lost faith in the Assembly and the judiciary. It is interesting to note that the Sims address was quoted by Hermon Husband, chief agitator of the cause of the Regulators, and that the only complete copy which exists is one sent by Sims to Thomas Person, prominent Granville politician and also one of the Regulators. Husband states that Sims was indicted for libel and that the suit against him was still pending in 1771.³

³ *Fan for Fanning and Touchstone for Tryon*, p. 13.

Regarding the personalities associated with these documents, our information is not very extensive. Reuben Searcy was prominent in the public affairs of Granville County. In 1760 he was summoned before the Assembly and reprimanded for tampering with the county elections. In 1763 he was sheriff of Granville, and from 1771 to 1783 he was county clerk. Robert (Robin) Jones Jr., whom he severely criticised, was a resident of Northampton County. He was Attorney General of North Carolina from 1756 to 1766, and in 1761 he became agent and receiver general for Earl Granville. He was also a member of the Assembly from Northampton from 1754 to 1761, and he was again elected to that body in 1766, but died before taking his seat. He was survived by two sons, Allen and Willie, who gained distinction during the Revolution.

Very little is known of George Sims. His family was among the early settlers of Granville, having lands on the Tar River, and its name was borne by a road and a ferry. One member of the family, Joseph Sims, was militia captain in 1750 and another, Benjamin, was inspector of the government warehouse in Granville. In 1790 George Sims appears in the census records as a tax payer of Caswell County. Far more prominent was Samuel Benton, the official whom Sims denounced. He was a justice of the peace from 1752 to 1755 and in 1763 and 1764; he was clerk of the county court from 1765 to 1770; member of the Assembly for every session from May 1760 to 1768, inclusive; a commissioner to build Granville Court House; and also a member of the militia. He died in 1770. Thomas Hart Benton was his grandson.

The Petition of Reuben Searcy and Others was disclosed by the late Thomas M. Owens, of the Alabama Department of Archives and History, and was published by Professor Archibald Henderson in the *American Historical Review*.⁴ Sims's *Address*, although quoted by Hermon Husband, was unknown in any complete form until published by Professor Henderson from a manuscript copy in the possession of the North Carolina Historical Commission.⁵ Both documents are here reprinted with the permission of the Managing Editor of the *American Historical Review*; and to Professor Henderson's notes I am indebted for certain biographical data which he found in the local records of Granville county.

⁴ *Origin of the Regulation in North Carolina*, Vol. XXI, No. 2 (January, 1916), p. 320.

⁵ *Ibid.*

A

THE PETITION OF REUBEN SEARCY AND OTHERS, MARCH 23, 1759

To the Worshipful Court of Granville County Greeting. The Petition of Sundry of the Inhabitants of the County aforesaid. We his Majesties true and faithful subjects humbly beg leave to shew your worships that notwithstanding the many Liberties Rights and Privileges granted us by his Majesty King George the Second etc. whose subjects we are and whose person Crown and dignity we are ready and willing now and at all other times to defend and do with the greatest sincerity profess true obedience and loyalty, but Liberty that dearest of names and Property that best of charters, seems to be too much detracted, as we verily believe by the illusive insinuations of Mr. Robert Jones, Jr. Therefore your Petrs. humbly pray your worships to take the same into your wise and deliberate considerations and as far as in your powers lie, redress and relieve your Petrs. with many others from his unjust impositions and exorbitancy. Therefore to proceed in the first place that eloquent Gentleman through his wiles and false insinuations to which art and chicanerie he owes his great success and high preferment in this Province that we your petitioners verily believe has not only impos'd on the inferior class of mankind but has likewise impos'd on his Excellency Arthur Dobbs Esqre. Governor etc., of this Province together with his Majesties' Honourable Council that notwithstanding their wise and mature consideration together with their just honest and righteous intentions for the benefit and welfare of the inhabitants of this our Province in general, yet that gentlemen thro' false and unjust Representations in matters relating to our County of Granville hath prevailed on his Excellency and Honours aforesaid to issue a Commission of Peace for our said County thereby leaving out of said Commission several worthy gentlemen that were very serviceable and beneficial to our said County and more especially to the upper inhabitants thereof for the lack of which magistrates or a sufficient number of such your petitioners labour under great disadvantages and inconveniences and also Justice likely to be much retarded which certainly is very disagreeable to your worships as well as petitioners. And furthermore the Legislature of the Prov-

ince have in their wise and deliberate consideration allowed and stated a set fee very sufficient for an Attorney practising in our said Province to have and receive for his care and trouble in prosecuting Suits in any of our Courts of Judicature but Mr. Jones instead of the fee allow'd by law frequently demands and receives double that fee without any matter or remorse of conscience, so that it has become a general practice and custom among chief of our Attornies, and by the great volubility of speech and the superiority that he by his wiles insinuations and chicanerie as aforesd has insinuated himself into, very frequently works on the passions of weak juries to blind their conception of Justice in order to gain his point so that men flock daily to him to comence very trivial and frivolous lawsuits which tends to the great disadvantage and prejudice of our inhabitants for all which insults and injuries your petitioners humbly beg your worships to exclude and prohibit the sd Mr. Jones from pleading at our barr for the future and your petitioners as in duty bound shall ever pray.

B

AN ADDRESS TO THE PEOPLE OF GRANVILLE COUNTY BY GEORGE SIMS

"Save my country, Heaven!" shall be my Last. *Pope*¹

Dedicated to Capt. Thomas Person

by his

Obt. Hmble Servt.

G. SIMS.

TO CAPT. THOS. PERSON:²

SIR:

The honour you do me by requesting a copy of my address to the inhabitants of Granville County does not raise my vanity to such a height; but what I am mortified down to the lowest degree imaginable, at the thoughts of granting your request. Not, because it contains any thing, either false, or criminal. I wish from my heart the facts therein related were not so notorious as they are: But the mortifying reflection is this, I wrote it for the common people to understand, and therefore took not the pains to be methodical, as I should have done, if I had known, or imagined, it would ever have come within the Scrutiny of Gentlemen. I do not intend by this Sir, to insinuate that I could write so methodically, as to stand the test of a critic, or in other words to commence author. Were I to entertain such a vain conceit, I should be afraid the very trees in the forest, rocks, hills, and vallies, would all resound the echo of that vain thought to my eternal shame and confusion. But, foras-much as the facts treated of, whether generally, or particularly, are so notorious, and the conclusions so natural, that, it is no hard matter for me to compose a subject of this nature methodically enough to bear at least a perusal among Gentlemen, who are acquainted with my Circumstances. Because where nothing extraordinary can reasonably be expected, no great disappointment can happen, if nothing extraordinary be found. However, as I had not the presence of mind to make these reflections before it was too late, I gave you my promise, from which I cannot now in honour recind, therefore, I

¹ *Moral Essays*, ending of Epistle I.

² A member of the Assembly from Granville County in 1764 and later a Regulator, a Patriot in the Revolution, and an Anti-Federalist in 1788. See the excellent essay by Weeks, S. B., *Thomas Person*, in the *Biographical History of North Carolina*, vol. VII.

have this request to make, which I hope you will be candid enough to comply with; I do imagine, that you will communicate it to Gentlemen of penetration, and as I am positive, that, it will not bear criticising on; either in the orthographical, or grammatical perfections, I insist, that, at your leisure, you would correct those deficiencies, which are too egregious to bear the sight of a Critic at ten yards distance, that is if you intend to shew it to any Gentleman, who has not yet seen it. Otherwise, I do not care, since you are acquainted with the Author, you will easily look over the imperfections of the performance without censure; Since you cannot expect any accurate performance from so small abilities, which, however small, the person who is endowed with them, is proud of nothing more, than the honour of subscribing himself your very hble Servt.

G. SIMS.

N. B. I imagine it may be a matter of mirth to some Gentlemen to see my writing appear in the method of an Author, having a dedication prefixt. However let such remember, that as to the subject, I write the truth, and as to form, I write in my own Style.

GENTLEMEN, you are chiefly strangers to me, there are very few of you, that I am personally acquainted with, and I imagine that some of you begin to wonder, what I am going to offer to a company of men that I know nothing of. However, Gentlemen, when I consider myself as a member of Granville County, I am no longer a stranger among you, but a brother of that community to which you all belong, and as such, I look upon it as my indispensable duty, to exert myself in vindication of those rights and privileges which our Constitution has endowed us with, when either persons or things endeavour to destroy them, and as this is evidently the case at this present juncture, I think it is high time we should all exert ourselves, in our defence against the common evil, which has almost overrun our land, and this is the motive Gentlemen, which induced me to desire a convention, and an audience of you, that I may lay before you, those grievances which oppress our land. Not, because you do not know it Gentlemen; but, because you do, and that by knowing it, you may the more chearfully join with me, in such methods as I shall propose, for the recovery of our native rights and privileges and to clear our country of those public nuisances which predominate with such tyrannical sway. And, I hope to see you all unani-

mously zealous and combine as one man to throw off the heavy yoke, which is cast upon our necks, and resume our ancient liberties and privileges, as free subjects. Who under God are governed by his august Majesty George the third, whom God preserve. And in order to explain myself on this subject, I shall undertake 1st. To explain what law is, when abstractedly considered. 2ndly. The utility or use of every human negative, and positive law. 3rdly. I shall undertake to shew the most notorious and intolerable abuses, which have crept into the practice of the law in this Country. 4thly. The mischief which necesarrily flows from, or follows the abuse of the law, and the absolute necessity there is for a reformation. 5thly. Propound such methods to effect this reformation as appears to me most probable of success. And, Lastly, I shall recommend the whole to your serious consideration, and insist that we be no longer strangers when the common evil, which we groan under, calls so loudly for our interposition. Therefore let us unite as brothers of one community, to recover our privileges, which are trampled under foot, by a handful of wretches, who are fitter for halters than Officers³ of a Court. In the first place it is no hard matter to explain what law is; neither is it very material to my purpose whether I explain it or not; but as I promised to do it, and, because it may in some sort give us an idea of laws in general, and their obliging power; I shall explain it in the words of the learned Mr. Dawson,⁴ who in his treatise of the origin of law, Says, That law is the rule of acting, or not acting, laid down by some intelligent being, having authority for so doing. This, Gentlemen, though it is short, yet it is a comprehensive description of all laws, whether divine or human, whether natural or revealed, negative or positive. And, without entering into definitions of particular laws, or tedious observations on the nature and property of Laws, I shall descend to the second proposal which was to shew the general utility or use of laws. And I may venture to affirm that the laws of all well regulated Societies will aptly fall under one of these three general heads or divisions. 1st. To secure men's persons from death and violence. 2ndly. To dispose of the property of their goods and lands. And 3rdly. For the preservation of their good names from shame and infamy.

³ Let it be remembered that whenever I mention Officers of the Court (which is a summary comprehension of the ministers of Justice if largely taken) I mean no more than Clerks, Lawyers, and Sheriffs, and not the Wpl. members of the Bench, whose authority I revere, and hold them in the highest veneration.

⁴ George Dawson, *Origo Legium; or a Treatise of the Origin of Laws, and their Obliging Power.* (London, 1694.)

Under one of these three general heads, I say the laws of all well regulated societies will aptly fall; The further any system of law deviates from these great and general ends, the nearer it approaches to those systems of law, which are the productions of despotism and tyranny. But we are the people Gentlemen, who have the happiness of being born under one of the most perfect forms of government in the known world. We are a part of that stupendous whole, which constitutes the glorious, and formidable kingdom of Great Britain. The Sceptre of which is swayed by his present Majesty, George the third, of the royal house of Hanover, and right heir to the crown, and royal dignity, according to a Protestant succession, settled by an act of parliament in the reign of Queen Ann of blessed Memory. We are the subjects, I say, of this august monarch, who in conjunction with the united power and authority of the Lords spiritual, Lords temporal, and house of Commons, maintain and uphold this inimitable System of law, which his royal ancestors, and their predecessors, have from time to time enacted, and established for the safety of his kingdom, and the benefit of his leige subjects, by securing our person from death and violence: By disposing of the property of our goods and lands, and by providing methods for the preservation of our good names from shame and infamy. All these privileges, Gentlemen, we dare to call our own, under the protection of that (almost) immutable system of law, which is confirmed by the triple combined authority of the King, Lords, and Commons, as you have heard before and transfered by them to all his Majesty's plantations in North America, and else where as a model to form their laws by, and as a touchstone to try the validity of such laws, as shall be enacted by any Legislative power, within his Majesty's extensive Dominions.

This, Gentlemen, is the inexhaustible fountain, the source whence we draw our claims to these privileges that our situation as free subjects undoubtedly entitles us to, And that we may be provided with such laws, as the particular circumstance of our province, may from time to time require.

We have an assembly, which somewhat resembles that grand tripartite conjunction of the King's authority, Lords, and Commons. Here we have a Governor, Council, and an Assembly of Representatives chosen by the populous to enact laws for the benefit of the Commonwealth, as occasion may require it conformity to the laws

aforesaid. And I suppose, they have answered those ends, and whether they have, or have not, is a matter, which I shall not now undertake to determine. However, we have a set of laws peculiar to this Province, for a System I cannot call them, because they are mostly temporary and subject to change.

There is none that I know of, if they were honestly complied with, that would not answer the end intended by our great Legislature at home; except, it be some petit private acts in favour of some particular persons, who by false insinuations and sinister practices have obtained the same, which, I shall treat of in their proper places. Well, Gentlemen, it is not our mode, or form of Government, nor yet the body of our laws, that we are quarrelling with, but with the malpractices of the Officers of our County Court, and the abuses which we suffer by those empowered to manage our public affairs; this is the grievance, Gentlemen, which demands our solemn attention, and in order to make it evident, I shall according to my promise in the third place shew the notorious and intolerable abuses which have crept into the practice of the law in this county, (and I do not doubt in the other counties also, though that does not concern us). In the first place, it is well known, that there is a law which provides that a lawyer shall take no more than 15/ for this fee in the County Court. Well, Genl. which of you have had your business done for 15/? Do not the Lawyers exact 30s for every cause, and 3, 4, or 5 pounds for every cause that is attended with the least difficulty? Yes: they do Gentlemen, and laugh at our stupidity and tame submission to these damned extravagancies. And besides the double fees, which they exact from you, do they not lengthen out your lawsuits, by artificies and delays, so long as they perceive you have any money to grease their fists with? And numberless other devilish devices to rob you of your livings in a manner diametrically opposite to the policy of our State, and the intention of our Legislature. I dare engage for you all, Gentlemen in the affirmative, I believe there is none here at present, but what must acknowledge that this is exactly the Case. Well, Gentlemen, if there were no more public evils, this, alone is sufficient [in] a little while to ruin our Country in these litigious times. But hear another evil greater by far, if possible. Mr. Benton in his former, and in his present capacity, is a subject worth a particular scrutiny. View him but in his former, and then view him in his present capacity, and make an estimate of

the services he has done you, in requital for the favour you did him by taking him out of prison, or what was next door to it, and sending him Burgess. He was universally esteemed a person calculated for what is called a poor mans Burgess, and indeed he has proved a poor mans Burgess, he forgot that you sent him to do your business, Gentlemen, his mind (like his eyes) is turned inward, and all his transactions below have been for the benefit of that dear self of his, which is so much in his own good graces, that he is plundering his County to enrich that dear object! You had a great deal of reason, I acknowledge, Gentlemen, to imagine that a person who had suffered by the malpractices of others would make a benevolent patriot, when in a public capacity; but how much have probabilities deceived you; judge ye!

He is Colo. Benton, now chief Officer in our military affairs, he is Clerk Benton, chief Clerk of our County Court, in which double capacity I believe, Gentlemen, there is None [of] us that envies him, but in the execution of his office. I believe there are none of us that have the good of the Commonwealth at heart, but must resent the usage he gives us here. The Clerks tell us their is no law to ascertain their fees, and therefore they are at liberty to tax our bills as they please, and the misfortune is Gentlemen, that we are obliged to pay it, be it what it may; I think, Gentlemen, if there be no law to ascertain the Clerk's fees, there is no law to compel us to pay any fees at all. However, let us see what advantage Benton the poor mans Burgess makes of this deficiency in our law, if you give a judgment Bond for five pounds only, and this Bond goes into Court, the Clerk for only entering it on the Court docket and issuing an Execution, charges you with forty one shillings and five pence, I had it from Benton's own mouth, at which time he vapoured as high, and with the same confidence that a fighting gamester has, who is endowed with courage of a highwayman, with oaths and execrations that he had taken it and would take it.

However, Gentlemen, I hope you will disappoint him, I am determined till he produces law that shews me what the fees are, to pay no fees at all, and I hope you will all follow the example, and see where Benton will get his obliging power to compel us to pay them. All these abuses are founded upon so false a basis, that [the] least resistance will overturn the whole mass. For, where there is no law,

there is no transgression in not complying with the arbitrary demands of a lawless Officer, and where the law gives a right, the same law will give a remedy, when this law is violated, and that our rights and privileges are violated in the highest degree is manifest, not only from what has been said, but from the daily practice of our Officer. It is time, and high time, Gentlemen, that we should endeavour to save our sinking County from the impending ruin, which will be the necessary consequence of these cursed practices. I told you Gentlemen, I would undertake to sum up the abuses, which have crept into the practice of the law in this County. I have indeed undertaken it, but if my paper would permit, I am positive your patience would not. To say all that might be said on this subject alone would fill a large volume; therefore, I must abridge the catalogue, that I may perform my promise in other particulars; but remember by the way, the hardships that we suffer by building the courthouse etc. for Benton to bring grist to his own mill: But I shall treat of this subject with an instrument prepared to regulate this hardship.

And therefore I shall proceed to the 4th proposal, which was to shew the mischief that naturally flows as a consequence from these cursed practices, and whatever I say Gentlemen, to illustrate this melancholy subject. Need I mention one instance to set forth the misery which we groan under? Does not daily experience shew us the gaping jaws of ruin, open, and ready to devour us? Are not your lands executed your negroes, horses, cattle, hogs, corn, beds, and household furniture? Are not these things, I say, taken and sold for one tenth of their value? Not to satisfy the just debts which you have contracted; but to satisfy the cursed exorbitant demands of the Clerks, Lawyers and Sheriffs. Here they take your lands which perhaps are worth four or five hundred pounds, and sell them at public vendue for about forty or fifty pounds. And who buys? Why the same villians who have taken your negroes and other personal estate, and have the County's money in their hands. This has furnished them with money to buy off the rest of your livings, at the same rates as you have heard. It is reasonable Gentlemen, that these Officers should be allowed such fees, as may give them a genteel maintenance, but then is it reasonable that they should rob the County to support themselves in such damned extravagancies, and laugh at us for being

such simpletons as to suffer it? No: Gentlemen, there is no reason that I know of; except they want to reduce us down to that despicable state whence they rose, and a pitiful estate it was, Gentlemen. There were none of our arbitrary Governors, whose descent were not as obscure, and dispicable, as their transactions in a public capacity have been base and illegal. But it is a received maxim among the unhappy subjects of electoral Dominions, that they have the most to fear from a King who hops from the dunghill to the throne. But to return from my disagreeable digression, let us make an estimate of the difference between getting our livings by honest industry and getting them by these cursed practices. We will suppose ourselves all to be men, who labour for our livings, and there is a poor man among us, who has dealt for about 4 or 5 pounds in such things as his family could not possibly do without, and in hopes of being spared from the lash of the law till he can sell some of his effects to raise the money; he gives a judgment bond to his Merchant, and before he can accomplish his design his bond is thrown into Court, and Benton the poor mans Burgess has it to enter on the Court docket and issue an execution the work of one long minute. Well, Gentlemen, what has our poor neighbour to pay Mr. Benton for his trouble? Why, nothing but the trifling sum of forty one shillings and five pence. Well he is a poor man, and cannot raise the money. We will suppose Mr. Benton condescends to come to terms with him. Come (says he) and work. I have a large field and my corn wants weeding (or something like that). I will give you 1/6 a day, which is the common wages of a labourer in these times till you pay it off because you are a poor man, and a neighbour I will not take away your living. Well how many days work has our honest neighbour to pay Mr. Benton for his trouble and expense in writing about a minute? Why, he must work something more than 27 days before he is clear of his clutches. Well the poor man reflects within himself. At this rate says he when shall I maintain my own family. I have a wife and a parcel of small children suffering at home and I have none to labour but myself, and here I have lost a month's work and I do not know for what, my merchant not yet paid, I do not know what will be the end of these things; however, I will go home, and try what I can do towards getting a living. Stay neighbour, you must not go home, you are not half done yet. there is a damned Lawyers

mouth to stop before you go any further, you impowered him to confess that you owed £5, and you must pay him 30/ for that, or, else go and work nineteen days for that pick-pocket at the same rate, and when that is done, you must work as many days for the Sheriff, for his trouble, and then go home and see your living wrecked and tore to pieces to satisfy your merchant.

Well Gentlemen, if this were the case, would it not be a melancholy thing? But it is worse by ten degrees than any thing that you have yet heard. It is not a persons labour, nor yet his effects that will do, but if he has but one horse to plow with, one bed to lie on, or one cow to give a little milk for his children, they must all go to raise money which is not to be had. And lastly if his personal estate (sold at one tenth of its value) will not do, then his lands (which perhaps has cost him many years toil and labour) must go the same way to satisfy these cursed hungry caterpillars, that are eating and will eat out the bowels of our Commonwealth, if they be not pulled down from their nests in a very short time, and what need I say, Gentlemen, to urge the necessity there is for a reformation. If these things were absolutely according to law, it would be enough to make us turn rebels, and throw off all submission to such tyrannical laws. For, if these things were tolerated, it would rob us of the very means of living, and it would be better for us to die in defence of our privileges, than to live slaves to a handful of Scapegallows, or perish for want of the means of subsistance. But, as these practices are diametrically opposite to the law, it is our absolute duty, as well as our Interest, to put a stop to them, before they quite ruin our County. Or, Are become the willing slaves of these lawless Officers, and hug our chains of bondage and remain contented under these accumulated calamities? No, Gentlemen, I hope better things of you, I believe there are very few of you, who have not felt the weight of their Iron fists and I hope there are none of you, but what will lend a helping hand towards bringing about this necessary work. And in order to bring it about effectually, we must proceed with circumspection, not fearfully, Gentlemen, but carefully, and therefore, it will be necessary to mention certain rules to be observed in our proceedings. And first, let us be careful to keep sober, that we do nothing rashly; but act with deliberation. Secondly, Let us do nothing against the known and established laws of our land, that

we may not appear as a faction endeavouring to subvert the laws, and overturn our system of government. But, let us appear what we really are, To wit, free subjects by birth, endeavouring to recover our native rights according to law, and to reduce the malpractices of the Officers of our Court down to the standard of law. For, we must remember that it is not the Body of our laws, we are fighting with, this would be the highest folly, since it is the known established law of our land, that is a bulwark to defend those privileges, which we are contending for, except there be any late private acts, that favour them in these devilish practices, if there be any such law, I say, Gentlemen, it deviates from the use of the law, which I cited to you in the beginning and consequently derogatory from the System of the laws of England, and so we are bound by no authority to submit to them, but there are no such laws that I know of. Thirdly, Let us behave ourselves with circumspection to the Worshipful Court inasmuch as they represent his Majesty's person, we ought to reverence their authority both sacred, and inviolable, except they interpose, and then Gentlemen, the toughest will hold out longest. Let us deliver them a remonstrance, setting forth the necessity there is for a suspension of court business, till we have a return from the Governor, in answer to the petition, which we shall send to his Excellency on the occasion. The remonstrance to their Worships, and the petition to his Excellency I have ready drawn, which I shall communicate to you after I have made my last proposal, which is this, I promised that the last paragraph should be a recommendation of the whole to your serious consideration, and insist upon some points necessary to be concluded on; but as all that has been said is so self evident, and the matter so important, that I am in hopes, you have all considered the subject, and made such conclusions as may inspire a resentment against the abuses which we suffer, therefore, my proposal is this, I am a stranger, I say to the chief of you. I have not moved in these matters out of any vain ostentation, or any private pique that I have against any of our arbitrary Governors, but a true zeal for the good of my County, was the only motive, which induced me; neither do I desire the preëminence in any thing among you, I am a stranger, I say, therefore it may be, that you have not that confidence in me, which you can repose in some of your acquaintances whose resolution you know will an-

swer the end of these undertakings. If so Gentlemen, name the man, I will be the first on his list to follow him through fire and water, life and death if it be required in defence of my privileges, and if you choose me for your leader I can do no more. Here I am this day with my life in my hand, to see my fellow subjects animated with a spirit of liberty and freedom, and to see them lay a foundation for the recovery thereof, and the clearing our County from arbitrary tyranny.

God save the King.

Nutbush⁵ Granville County

6th June 1765.

⁵The name of a settlement on Nutbush Creek, a small stream running through the northern part of the present Vance and Warren counties.

VII .

REMARKS ON RELIGION (1761). BY HERMON
HUSBAND.

INTRODUCTION

Hermon Husband was undoubtedly the most prominent agitator in the Regulator movement. His personality is full of contradictions, his career the reflection of a turbulent and unsettled soul. He was not a native of North Carolina, but migrated to the colony about the middle of the eighteenth century from Maryland, where he was born in the year 1724. Apparently after a return to Maryland, he settled in the Deep River region of Randolph County (then a part of Orange). He was thrifty and prosperous, for during a period of ten years his land grants amounted to 8,000 acres. A member of the Society of Friends, he was disowned by that organization in 1764. His wealth and his associations with Quakerdom would tend to make him a conservative and peaceful, but he was at heart a radical, steeped in the new democratic ideas of the time, and so he became interested in the grievances of the Regulators. Yet in 1768 the Regulators declared that he was not a member of their organization; indeed, when the officials of Rowan County agreed to submit the differences between them and the Regulators to arbitration, Husband was named one of the arbitrators. He was twice elected a member of the Assembly and was expelled from that body in 1769 on a charge of libelling Judge Maurice Moore; but when arrested for that offense, the grand jury failed to indict. Six times, at least, during his residence in North Carolina he was in the toils of the law and as often escaped punishment. On the morning of the battle of Alamance, seeing that armed conflict was inevitable, he rode away. Afterwards he was outlawed by Governor Tryon and a price being on his head, he fled to Pennsylvania. There in his old age his radicalism again brought him into trouble. He was implicated in the Whiskey Insurrection, for which he was found guilty and sentenced to death; but President Washington pardoned him in 1795, and shortly afterwards he died.

From these facts it is safe to conclude that Husband was a man of ideas, never satisfied with the political and social conditions of his environment, an agitator of that radical type which characterized the later eighteenth century. Yet he was not of the stuff which makes martyrs or great leaders; he never quite found himself. The restlessness and uncertainty of his soul find a strange parallel in

the opinions of investigators regarding certain details of his life. One states that he came to North Carolina in 1751, settling first in Bladen County;¹ another that he came direct to Orange County.² Regarding his religious antecedents there are also conflicting statements. Two writers declare that his family were not Quakers,³ one that they were.⁴ This point, however, is settled by Husband himself. According to his story, his family was of the Church of England, but he became a Presbyterian and then a Quaker.⁵ Likewise one finds the cause of his disownship by the Friends in a sympathy for another member who was subject to discipline;⁶ the other makes the cause thereof his own marriage without the denomination.⁷ Tradition says he was a correspondent of Benjamin Franklin, but this too has been denied.⁸ Spite of the contemporary statement that he was not a Regulator, he is declared to have been the organizer of the Regulation.⁹

However, one fact is certain; Husband was the author of three pamphlets. The earliest of these was published in 1761 and was entitled *Some Remarks on Religion, with the Author's Experience in Pursuit thereof, For the Consideration of All People, Being the real Truth of what happened, Simply delivered; without the help of School-Words or Dress of Learning*. It was published in Philadelphia by William Bradford, and was followed in 1770 by *An Impartial Relation of the First Rise and Cause of the Recent Differences in Public Affairs in the Province of North Carolina; and of the past Tumults and Riots lately happened in that Province, etc.* Where this was published is as yet unknown. The third pamphlet appeared in 1771 under the caption, *A Fan for Fanning and a Touchstone for Tryon, etc. By Regulus*. It was published in Boston, probably from the press of Daniel Kneeland. Single copies only of these pamphlets are listed in the published bibliographies. The Philadelphia Library Company has the first, the John Carter Brown the second, and the Library of Congress the *Fan for Fanning etc.* Through the courtesy of the Philadelphia Library Company

¹ Weeks, S. B., *Southern Quakers and Slavery*, p. 179.

² Nash, F., *Hermon Husband*, (in Ashe, *Biographical History of North Carolina*, Vol. II, p. 185 ff.).

³ Bassett, *The Regulators of North Carolina* and Weeks, *op. cit.*

⁴ Nash, *op. cit.*

⁵ *Some Remarks on Religion*, passim.

⁶ Weeks, *op. cit.*

⁷ Francis Nash, in personal interview.

⁸ Nash, *op. cit.*

⁹ *Ibid.*

the *Remarks on Religion* is here reprinted. Composed about 1750, before Husband migrated to North Carolina, it was published some time after he took up his residence on Sandy Creek. The work has a value for an understanding of the author and also for an appreciation of his times. Like so many eighteenth century radicals, Husband was deeply religious, especially in his youth, and evangelical impulses and influences drove him out of the Church of England. His soul, troubled in youth over religious uncertainties, was also troubled in his mature years over the injustice meted to his fellow men. Religion is thus the background of his political agitations, and a better example of the emotional experiences of an eighteenth century evangelical can hardly be found than the *Remarks on Religion*.

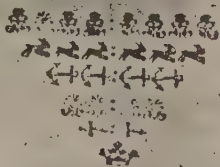
SOME
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ON
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With the AUTHOR'S Experience in Pursuit thereof.

For the CONSIDERATION of all PEOPLE;

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of Learning.



PHILADELPHIA:

Printed by WILLIAM BRADFORD, for the AUTHOR.

M,DCC,LXI.

S O M E
R E M A R K S
O N
R E L I G I O N,

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WHEN I was under the following Exercises of Religion, any Work of this Kind was exceeding precious to me, which caused me to promise within myself, that when I was a Man, I would write an Account of my Travels also; for which Reason I endeavoured to keep a Journal in my own Mind. But notwithstanding all my Care, after some Years, Things grew somewhat duller than at first, and, though I remembered most, that was remarkable, it seem'd somewhat difficult to place every Passage in its proper Order.

I also saw a Necessity of a Divine Help, for which I many Times besought the Lord, to bring all Things clearly to my Remembrance, and order all Things so, as I might have private Opportunity of putting the same into Writing.

After some Years I had a good Opportunity, and nothing else to do; but I had almost quit Thoughts thereof. It happened one Day, a certain Man, whom I was nearly acquainted with, after he understood I was not brought up in the same Opinion in Religion that I was then of, asked me, how in the World I came to be of that Opinion? and seemed desirous to know by what Accident I came to join with that Society.

[4] I took it, he thought it must be, by hearing some famous Man or other, it put me on thinking to give him an Account; but I presently conceiv'd if I told him the Truth he would not believe me: It caused me however to look back, and put me in Mind of my Promise, Things withal seem'd to appear clearly, and I could not

desire a better Opportunity. I immediately began with this Resolution, to be impartial and true in the Relation, not omitting that which might seem to be against the Society I was then of, nor yet that which might seem to favour our Opponents.

My Parents were of the Society of the Church of *England*: When I was first thoughtful about Religion I was eight or nine Years of Age, as nigh as I can remember. Being at School at my Grandfather's, who I us'd to hear People say, was a good old Man; he used to tell me I was a bad Boy, and I found something in my own Breast making me uneasy for my mischievous Tricks. I also heard his Servants Lads say, their Master ordered them to say the Lord's Prayer and Creed, when they went to Bed, and as I lay with them, I heard them say these by-Heart, before they went to Sleep. This, I thought, was what God required of me, and what I must do to go to Heaven, which Place I was not willing to miss of; but not having them well enough by Heart, I put it off yet, and soon after was taken Home to my Parents. I was of an ill Temper, squabbling and quarrelling with my Play Mates, Sisters and Brothers, and much given to tell Lies, for which Things I was reprov'd by Something within myself, and well remember at that Time, I thought it was God that spoke to me, and reprov'd me; and do verily believe I should always have thought so, had I never seen a Controversy to the Contrary. And as this is the whole Subject of my Design, namely, to find out, whether or what this inward Manifestation is, which will end all Disputes.

Being, as I said, reprov'd for ill Things, and as I thought, by God, I could in no Wise consent to Obedience till the Days of my Youth were over, but would promise, when I grew an aged Man I would grow Good. About this Time there came a Presbyterian Minister to my Father's House, and lodg'd all Night; he called the Children to say their Catechism, (it was the Church of *England's* Catechism). When we had said it before him, I being the Eldest, he ordered me to say the Lord's Prayer, which when I did, he said, I was a pretty Boy, and should say the Lord's Prayer and Creed every Night and Morning.

Now frequently before this, when I laid down to Sleep, this inward Manifestation would appear, and give me great Uneasiness for my Misbehaviour the Day before, and I had a perfect Knowledge of what it wanted of me, (to wit) to be sober and watchful,

which I would in no wise consent to, till my youthful Days were over.

Now the Minister having told me as abovesaid, and this reprover came as at other Times, I thought the Minister confirm'd what my Grandfather had said before, that the Thing that was required of me was, to say the Lord's Prayer and Creed, as abovesaid.

That which I us'd to promise Obedience to when I grew old, I now [5] thought to satisfy, by saying these Prayers. Now I thought, the Ministers knew all Things rightly, and all of them went to Heaven.

Thus I used these Prayers for a while constantly, Night and Morning; but this Reprover I began to experience, was far as ever from being satisfied, and was requiring quite another Thing of me, namely, to leave off Lying, Quarrelling, and to stay at Home a Sundays (as I then called the First Day) and read my Book, which my Parents, did also tell me, and helped to convince me it was right and I remember it was but a few Weeks before I left off that formal Way of Prayer, but not because I thought it was wrong, neither was I ever reproved for it in myself, but as I feign would give the Reader the true Reason why I declined that Form, and leave it to his own Judgment if I did right; because I imagine, this will displease some People. I being now about eleven Years old, and by the Relation above it appears, what I receiv'd from Man concurr'd to confirm that Form right. And as for that inward Manifestation, it took no Notice thereof one Way or other, but as before, I used when reproved by it, to promise Obedience at some Distance of Time to come, I then thought to satisfy by those Forms aforesaid. At first it gave me some Relief, for the usual Time of its appearing was at Night, when in Bed. As I said for some Time those Prayers were my Shelter, but in a few Weeks my Prayers would do no longer, nothing short of a Reformation of Life, which was still a wanting would satisfy it. I now began to be drawn to Prayer extemporary at other Times, then Night and Morning, and followed me now so close as kept me in continual Exercise, with Thoughts of forsaking Sin; that I now came to my usual Way of promising Obedience By and By, until I consented to be obedient as soon as I got married. This now must certainly be the Spirit of Christ, and I remember, I so thought it to be at that Time, though the Word Spirit I had no Notion of, but took it to

be the Lord Jesus, that I read of in the New-Testament; and when reading how he appeared on Earth, I would wish he would come to again, or that I had been in that Day, I thought I would have been one of his Disciples, and not have crucified him: And this Spirit, Light, and Christ, as I then thought it to be, would answer me, and bring to my Remembrance how he called me from Time to Time and how I put it off from Time to Time, and would still put it off longer and longer, and convinc'd me, that it was the same as if he was on Earth, and assum'd a bodily Preference, and that I would be as unwilling then as now. Here give me Leave a little, to say I can't think this that thus wrought with me was what I have heard some say it was the Light of Nature, for the Scripture says, that is always and continually evil, nor yet my own Heart, which is deceitful above all Things and desperately wicked, that should thus pursue me to seek after God; nor yet as some say, the Relicks of God's image left in *Adam*; but if my Reader thinks it was, (as I am for no Disputes here but a bare Relation of what I am a Witness to) let him go on and see how far this Relick or Nature, or whatsoever he may think it was carried me, and judge of it as he pleases.

[6] Only by the Way I would have him mark the Description of Christ's Spirit, or Kingdom of Heaven, which is like to a Grain of Mustard Seed; and *Solomon* also describeth Wisdom *how she crieth in the Streets, and uttereth her Voice saying, Ye Simple Ones how long will ye love Simplicity?*

So little and despicable in the Eyes of the Wise in its Beginning, but behold how great a Tree it would grow to in the End. As I said before, being convinc'd it was the same as if Christ assumed a bodily Presence, and was visible here, and it still pressing on me more and more, I would promise to begin sooner and sooner. So that if it happened to be in the Winter and Cold, when press'd and persuaded to Obedience, Prayer, and Repentance, I would consent, but make Excuses I could not well begin now in the Winter, but next Summer I would begin. When Summer came, it was not convenient till next Fall; when the Fall came, then I wanted *Christmas* over, first to have that Frolick; and when that was over there was *Shrove Tide*, and so on till *Easter* and *Whitsuntide*. Thus I was pursued, and consenting by Degrees, and setting the Time sooner and sooner, until it came to be next *Sunday*; where

I remember, I stood some Time many Weeks still promising, I would begin next *Sunday*; but always when *Sunday* came I would be left alone, and so would not think of my Promise till the Evening, when I would be rebuked: And now my Promises so continually broke, and this Light still pressing on me to consent instantly, now, just now, was the Time; but nothing seem'd so hard as to give up just now, this Instant, and I would more earnestly promise, and intended really to begin; but when the set Time came I was still wanting, (how plain a Discovery here was of Man's Weakness and Inability, in the Things of God). But God still pressing my Consent now, just now, I began to move again, and if on *Sunday*, I would promise *Wednesday* or *Thursdays*. Oh! how I wanted to shift my coming start Naked!—I wanted to prepare myself a little; but God would not give away his Glory to another, and though at last I came even to attempt some Reformation at the appointed Time, yet as it was of my own Working, (for I was always left without his Assistance on these set Days for Repentance) it was as filthy Rags, as empty as Nothing, and not to be accepted but in God's Time, who still press'd the perfect Time, *To-Day, while it is called To-Day*. At Length I came to promise To-morrow, and spent some Weeks still promising To-morrow, and which puts me in Mind of a Verse I afterwards met with, very suitable to this Occasion:

*I will To-morrow, that I will, I will be sure to do it;
To-morrow comes, To-morrow goes, and still thou art to do it :
And thus Repentance is referr'd from one Day to another,
Until the Day of Death comes on, and Judgment is the other.*

And thus I believe it would have happened if I had not consented at the very Time, even *To-Day, whilst it is called To-Day*, for God followed so close, as that one *Sunday's* Night, near Sun down, after returning Home from spending the Day, running up and down some Miles with [7] other Boys, though I remember no particular Sin I was charg'd with, other than Disobedience to this true Guide, which caused me to be left empty and to myself, so that my Mind was roving up and down, sometimes in little Disputes with my Mates, so that I conceive of it as the inward Sanctuary of my Soul was, as the Temple of old, full of People, of Thieves, and Rabble, such, with whom the Spirit of Christ dwells not. As aforesaid,

near Sun-set the Lord came as of old, as it were with a Whip of Cords, which put my Guests to flight, my Soul was empty, I flew to my Book for Shelter, but by reading in some Part of the Evangelists it made my Case worse and worse. Thus now being frightened with breaking my Promises so continually, and seeing Shelter no where, and my gracious God almost quite angry; as I remember in this terrible Hour, I clapt the Bible wherein I was reading to appease God's Anger over my Face, and fell down on a Bed and cried to God saying, My God, I will follow thee, now, even now, whatsoever thou goest or leadest me. The Lord soon changed his Countenance into Smiles, and I have to remember the Tears run from my Eyes in a plentiful Manner.

After all which, I seemed to be in a new World, and the next Day or two finding the Frame of my Mind quite altered, it being now easy, quiet, calm, and peaceable.

I was now twelve or thirteen Years of Age, and my Condition being thus altered, I wondered what could be the Reason.

Sometimes I seem'd to fear, God had quite forsaken me, and again I thought, he was well pleas'd and fully satisfied, and that I was now sure of Heaven. Thus thinking one Day on these Things, and the strange Alteration in my Mind, as I was at Work with some others, after having been at Dinner, and while I was waiting about the Door till all was ready to go into the Field again to work, in the same delightful Frame of Mind I took a Thought, I would try my Doubt by Lot, that was, whether God had forsake me or was fully well pleased, and seeing a small Pole I took it up, and turning round the Corner from some present, I set it on one End as nigh perpendicular as I could, and thought within myself, if it falls this Way God is angry, but if the other Way he is well pleased. I had left go my Hold of my Pole, when a Reproof suddenly ran through me I was a tempting of God: This feared me so, that I shut my Eyes lest I should see the Way the Pole was falling, withal turning my Back upon it and ran away from the Place, making a Noise with my Feet lest I might hear by the Sound of the Fall which Way it went, nor did I know certainly which Way it fell; yet even that Afternoon I began to perceive I had farther to go; for as hitherto I had been reprov'd not press'd to forsake any thing but what I was educated to believe was Sin, and had never exercised it otherwise but to put off the Time of Repentance longer. Now

I had us'd to jump and wrestle with other Boys, and for which I was now reprov'd this Evening, which I endeavoured to excuse as no Sin, and promis'd I would not be angry about it, and that I would not do it on Sundays, [8] but now I began to see it was pressing for me to be as sober and circumspect all the whole Week, as on Sundays.

All this seem'd harder and harder, and I came on a little by degrees though slowly. Playing at Cards had a little before this newly become very frequent in our Neighbourhood among us, to both old Men as well as Young, in which, for a great while, I had took great Delight, even from the Time it came up amongst us, by Means (as I remember) of some Pedlars, bringing some Packs and selling in the Neighbourhood: I us'd to play before both Father and Mother, my Father playing sometimes himself, especially when there were any Strangers; my Mother indeed had spoke against it when we had sat up late at Night, and waisting the Candles.

In the Height of this Exercise I was reprov'd for it by this Light, this inward Teacher, which was like Death to me, yea, it was like cutting off a Right Hand: I would promise not to play only when I had no Work to do, pleading it could be no Harm then.

But I could not have Peace in the Exercise at any Time, I would promise not to play for Money, Drink, nor any Thing, but Pastime, or Diversion, for I had heard how some People had play'd away their Estates. Yet this held not long, but I must leave off that Way also, and though I play'd for Nothing, yet I was very earnest to get the Game; this I would feign think was the Cause, and now I would promise, to be careless and easy whether I lost or won; thus I continued to play for a Time, nor would I play for a Price on any Account. And being now principal'd against playing for Money or Money's Worth at Cards. There was another little Game, called Push-Pin, at which we won one another's Pins: This I was forbid also, and at length became convinc'd, I must not play at all, and then I began to promise, this should be the last Game; and yet my Promise was broke every now and then, for I would still at Times plead, if it was a Sin the aged People and Ministers would speak against it, while I had never been reprov'd for it by any Body, save what my Mother had said as before.

Now, once there were some People at my Father's, Drinking and playing of Cards, and my Father laid a Wager with one of

the Men, that I should play, (for take Notice Reader, that no Mortal on Earth knew any Thing of my Scruples) the Wager (to be quite plain and simple) was but for a half a Pint of Rum. When my Name was mentioned and I was called to Play, the Spirit or Power of God strongly forbid me; but being very willing of myself, I pleaded also with a great Degree of Strength, that I had a good and sufficient Excuse to obey my Father, yet, and though I plainly saw it to be against the Mind of God, I rebelled, trusting that my Excuse would be sufficient to shelter under, so I won the Rum, which caused the Company to laugh, and praise me for a Gamester; but I found no Pleasure in it, that was not turned into Sorrow, for Christ looked angry at me, even before the Game was done, and I was exceedingly troubled whilst in the Game wish'd, I had not touch'd the Cards, promising never more to play on any Score. There was also another Practice among us that was, for a Company to meet [9] first at one Neighbour's House, and then at another's, to fiddle and Dance; this I was forbid also, though being young was seldom desired to appear on the Floor and generally refused, and as much from being bashful as scrupulous; but when urg'd much or perhaps drawn out by some elder Person, I had us'd my best Endeavours, for which I had sharp Reproofs, and was afterwards ashamed to think how much Pains I took to please the Devil; I even blush now with Shame at the writing of it. All these Requirings caused me to complain and reason with my Redeemer, why must I be so strict, more than any Body else? for I thought there was not One in the World that made Conscience of such Things, and grew very uneasy to live so reserv'd, pleading that both Old and Young, the Ministers, Clerks, and People all, went on in those Things, all, surely, O my God! do not perish; but that Text which says, *Few are saved*, would make me sorely afraid. But I would feign persuade myself if a Man was sick a few Weeks before he died he might in that Time repent. I had no Notion of the New-Birth by the Operation of the Holy Spirit, as to the outward Knowledge and Signification of them Words, for I remember taking Notice of that Word among us of Christening, what Analogy it had with the Word Christian. Christening, thinks I, that is making One a Christian, and hearing some People call Parts of the World Christendom, and having heard, the *Quakers* did not christen their Children, in order to know if I was right in my Notion, who were Christians; I reply'd (on hearing a

Part of the World called a Part of Christendom) the *Quakers* are no Christians, thinking to prove it by the aforesaid Terms of Speech, but I receiv'd no direct Answer, and perceiv'd, I had closely pinch'd the Party from whom I would have been instructed in those Matters, relating to the Kingdom of God. And now my friendly Reader pause here a while, if thou hast thought those Things too Low and Mean for thy Concern; think here, how a Boy should shun the Aged and cause a Silence, unable to answer him in the Things of God. I remember I gathered from the whole it was not safe to draw such a Conclusion. I had also heard the *Quakers* laugh'd at for pretending to be moved by the Spirit when they preached.

Concerning which, I had so gross a Notion of as to think, they pretended to feel an outward and sensible Force acting in or by a sensible Feeling of somewhat moving the outward Body, so as to raise it up. I just mention this to shew, how far I was from an outward or Head Knowledge of those Things which I daily experienced, *to wit*, what made a Man a Christian; and here I think I may safely prefer the Spirit of Christ before the Scriptures, and call upon my Reader to judge which was the foremost and principal Worker of my Soul's Salvation, referring him for the Truth of Facts to the Operations of the same Power in his own Conscience.

And as to Ministers so called, he under whose Care I then was, encouraged me to dance, by praising me for it, and giving me Money as a Reward, when his Clerk told him how prettely I danc'd last *Saturday* Night, for the Clerk had been at one of these aforesaid Dancing [10] Frolicks, (as we had used to call them;) and it so happened that the aforesaid Praises and Reward were given me, at the Instant I was under Convictions, and disputing with this Holy Guide, it being the *Monday* Morning following. These Helps gave me Strength to dispute the Case somewhat longer; but notwithstanding, this Light proved stronger than the Minister, the Clerk, and myself, who willingly would have had them right, and I was convinced it was against God's Mind that I should do these Things, nor do I remember it charg'd the Minister or Clerk with Wrong, or that it was Sin to others; but I was made quite sensible that if I did such Things, Sin or not, forbid or not to others, it was so to me, and that God was angry with me if I did.

Some time now about I had got a Book, intituled or called, *Valentine and Orson*,¹ I had read therein without Reproof till I was above half through, which was more diverting than any Book I had yet seen; but now I was forbid to read any more and became exceedingly troubled and concerned.

I pleaded Liberty only to look it through to see the Conclusion, and then I promised to carry it Home, and never more to think of it, for I had presently conceiv'd of it, to be Fictitious. Now I read some considerable Part of it after or rather while under Convictions, and at Times when I dar'd read no more, I would lay by the Book; though I was clearly commanded to return it from whence I had borrow'd it, but would pretend I had not Time.

Yet I can well remember, the true Reason of my Unwillingness was to have it at hand, that I might steal to it, when the Witness of God was not present, which I several Times attempted.

But so soon as I offer'd to touch the Book, it would appear as a Witness against me, when I would plead only to read a Leaf or two, and by such Strugglings as I said, I read many Pages after my first Reproof. But at length I carried it Home without seeing the Conclusion, nor never read therein since.

Next I met with a Book of *Robin Hood's* Songs, and was check'd at the first from reading them; but I pled very stoutly that those might probably be true, and under great Fear I read some of them. But this brought the Displeasure of my Redeemer over me, and this Book proved like unto the former.

All this while I us'd to play a Game now and then at Cards till once being at one of those merry Makings, where some People were at Cards, and I being very desirous to play also, but was kept back from them, by strong Convictions in myself. When they had done I took up the Pack, promising after my old Fashion, only this Game, and I will never play another, and asking a Lad to play, who, I doubted not, would be very willing; but he seeming contrarywise, caused such Self-Condemnings and Fears in me, that all the while I was full of Horror and Dread, but still wanted to finish the Game, and making great Promises never to play again: At length, in the Middle of the Game, I threw down the Cards on the Table, and said to the Lad, I will play no more; I must go Home. [11] And I never

¹ A romance, generally known under the title *The famous and renowned History of Valentine and Orson*.

play'd at Cards afterwards, and I have to observe on the whole, that no Sin was fairly conquered by me but when I took up the Cross immediately, for if I promis'd ever so confidently and did not forsake under the Reproof, that same Sin was sure some Time or other again to prevail.

As One of old, whom Christ called, he begs Leave, *first to go and bury his Father and Mother*, and do you suppose he would then have come back? No, verily he would not, unless he had been call'd again, and then another Excuse would have been as ready; therefore says God, *Let the Dead bury their Dead: Follow thou me*. Alas! how weak is Man of himself to Good, or by any Thing of Nature, even when he is under the strictest Engagements and most solemn Promises; much more to think or desire Good without a supernatural Aid. Here I plainly witnessed the Truth of that Saying, *Without me ye can do Nothing*: And, *No Man cometh to me except the Father draw him*.

Being now turned of fifteen Years of Age; and not long after that last Game of Cards aforesaid, there came News of a Man, a Preacher, newly come from *England*, that both Men and Women were ready to leave all their Livings to follow him. At first I wondered does he want them to follow him, and what could it be he said or preach'd. I had not long to think on it, for in two or three Days after the first Report there came Tidings, he was to preach within fifteen Miles To-morrow, and his Fame coming, confirm'd also with the Tidings I could not conceive what he said; for I little thought he spake of a sanctifying Work of God's Spirit on the Soul; having yet no Notion of the Pronunciation of the Work, or by what Name outwardly to call it. I imagined he spake as a Prophet of some strange Time at hand; may be he tells us when the Day of Judgment is to be.

My Father and Mother went however to hear him, and took me along, we went early, and got to the Place before he came; and I heard One ask another, what does this Man preach? any Thing that is News? who answered No; nothing but what you may read every Day in your Bible: For what is this great Cry then? who was answered after this Manner, stay, you will hear him by and by, you never heard the like before. Here I was puzzled, what sure, what can this be he says? when in the Instant comes the Man, George

Whitefield² by Name, and he took a Text about the wise and foolish Virgins.

I presently understood him, for the Spirit of God witnessed to me, and speaking in me says, thy Argument against me is now come to Nought; thou thoughtest, there were none who kept their Lamps lighted as I wanted thee, yet, now here is One who bears a Testimony to the Truth, and methought I could feel and believe there were Numbers besides him; I also observed some of the People called *Quakers* present, and still having that gross Opinion of them beforementioned, thinks I, now you have heard something of the Movings or Inspirations of the Spirit indeed.

Being now fully convinced that this was the Way to Happiness to yield Obedience to Christ in me. I became now willing to take up the [12] Cross; but a Fear was in me that I had rejected him so long, yea, I was now ashamed to think how I would not believe in him for all his Strivings with me, and thus I returned willing, I had hearkened to his Reproofs in Day of my Visitation, lest I were now too late.

I longed to see some of Whitfield's Writings, that I might more certainly know his Opinion in this Matter; for, in his Discourse he had not explain'd this otherwise than "That we must come to Christ, "if ever we attain'd Happiness: That we must be born again of "the Spirit, having Oil in our Lamps, or Grace in our Hearts, "witnessing the Old Man crucified, and a putting on of the New: "With some Threats to Sinners, and of the fearful Day of Judgment";—as well as I remember.

However, my Exercise after this became, how I might come to Christ, and if the Day of my Visitation was not past. And in a little Time we had News of a Presbyterian Minister, who was said to be of the same Doctrine as W———d: I went to hear him preach, not out of Curiosity, but to learn how to come to Christ. He thundered out against Sin, and pronounc'd Death, Damnation, &c. to Sinners, and that there was no Salvation but by Christ. I lik'd him much for thundering out against Sin and Sinners, for I now looked on myself as a very wicked Sinner withal, I patiently waited to know if I was likely ever to become a new Man, or how I might obtain to that State.

² Whitefield, celebrated "new light" evangelist, was in Maryland in December, 1739.

Thus for some Time hearing him and others of the same Society, and searching the Scriptures after these Things, and disputing with such as opposed the Workings of the Spirit of God, and continually praying that I might be one of the Elect; for, by this Time I had heard them preach, that none but the Elect could be converted, and endeavoured to give the Marks of the Converted from the Unconverted and if one Mark given of the Converted did not answer my Condition, I would conclude I was still unrenew'd; and on the other Hand, when the Marks of a Sinner were given I would take that to myself if possible; and when they threatened the Unconverted and cry to them, to fly to, and accept of Christ, I would count myself One, and earnestly wait to hear what I should do.

The Custom of those Ministers was generally, to divide their Discourses into Heads of particular Branches, telling us beforehand the Substance of Doctrine each Branch was to contain, and many Times one would be to tell us the Way of Christ. This would rejoice me, and I waited to hear.

Yet it proved to no Satisfaction; they told us to fly to Christ, to accept of him on his own Terms: All this I was willing to do, if I knew how, or where to find him; and that we must throw away our own Righteousness and accept of his. This would concern me how this was to be done, or whether or no I had, I was willing to do any Thing I thought: Yet could do nothing, nor yet from all the Discourses learn what to do.

This led me again to pray to God the Father of Mercies, to pardon [13] my Sins, and lead and direct me again by his good Spirit how to do; thus I soon began to desire his Presence, and to be taught by him alone, and I notwithstanding, firmly believed he was the Teacher of those Ministers, and at Times (when as I now believe Truth prevailed in an eminent Manner) they would speak to this Effect: "To look to God alone, and observe the Motions "and Leadings of his Spirit, and not to quench the least Sparks "thereof, but cherish, improve, and kindle into Flame by Obedience "those inward and heavenly Calls." These like Discourses were generally in what they call'd an Application, seldom in what they call'd the Doctrinal Part.

Our Minister, or the Church Minister (so called) would now and then preach in our Neighbourhood, who I went also to hear, from whom I could learn little or nothing at all, for the *New-Lights*, (as

they began to be called) would tell us the Marks, at least some Marks of a Christian, and that we must be born again of the Spirit, and proving it from Scripture, and explain the Works of Conversion, describe the State of the new Man by Similitudes and Parables, thunder against sin with some Life and Power; But this Church Minister seemed to know nothing at all about the Matter, nay he would speak against it, and signify as much as that Water Baptism was the New Birth, and that a Life of Morality was a Christian Life, without any sensible Workings of God's Spirit on the Soul; so that I got quite sick of him, yet when he came my Father would have us all go to Church.

One Day when he was to preach, there was also a Meeting that Day at the *New Presbyterian* Meeting-House, to which was my Desire to go; but whether I should displease my Father in refusing to go with him I could not resolve; after some Reasoning in myself, I concluded to leave it entirely to God, would he vouchsafe to enlighten me. Here I mounted on Horse-back, not yet knowing which Way I should go, the Ways kept together through a Gate, when they immediately parted, and as I opened the Gate I yet knew not if I should then turn to the Right or Left; but was no sooner through, when I had a perfect Freedom to go and hear the Church-man, and I think this was also contrary to my Expectation, and as I had no Dependence on him, it became wholly on God who had given me such Freedom of Mind to go, and when I got to the Chapel House, among the People, they kept such ado to answer the Priest, and to find the Place of the Book he was in, being up and then down, the Minister speaking alone, then all suddenly speaking aloud; this did not suit my solid Condition, it seem'd to me there was no true Worship in Spirit among them, he seemed the best Fellow who first found the Place of the Book the Minister was in, and to answer him, and to know when to rise up and sit down, (for the Minister had come so seldom, the People were not well practised in the Business.) But let not the Reader think I was a Stranger to them; for I had been One of the foremost in this Exercise in this same Place and among the same People, and once it had so happened that all had miss'd the Place of the Book, or forgot their Books at Home, except me: And I had to, and did answer the Priest alone (but as I had [14] come for another Employment this Day I had brought no Book,) I sought how I might worship God in Spirit, in Heart, and in

Truth. As I said being uneasy at all this Noise, with so little Appearance of Solidness and true Sincerity I walked out a little Way into the Woods where I kneeled down, my Desires being to God for myself, not in the least despairing or even pitying them, for I knew not which Way to go myself; my Desires were to draw nigh to God, to know and worship him in Reality, which I longed for, and as much desired as a thirsty Creature does for Water. Here I was enabled to supplicate the Throne of Grace, and then came in again, and stayed till they were done. After returning, and Dinner being over, I retired into a Field of Rye, and was filled with Thanksgivings, with Praises, with joy unspeakable, and full of Glory, with Peace and Joy in the Holy Ghost, nor did this arise from any Thing that I had done, or Righteousness that I had acted, so far it was from that, for I was much cast down, and looked on myself as a disobedient sinful Wretch.

Yea it was so far from proceeding from any Thing I attributed to my own Actions, that I could hardly accept the blessed Favour, and went away praising and adoring that God, who had taken Notice of so unworthy a Creature.

And now the same Power and Light of Christ, which I witnessed in the Beginning, began to operate again in the same Manner, and I was now reproved for wicked Thoughts as well as Actions, and notwithstanding I had thought I was so willing to do any Thing if I knew what, I still found a Backwardness in taking up the Cross, which again brought Self Condemnings over me; and I have to repent such Backwardness to this Day.

A few days ago I was reading one *Seward's Journal*,³ which seems to have been wrote at the Time of his Exercise; and this I now write nine Years after from the Strength of Memory. And as I am now coming to some exceeding deep mysterious and fiery Tryals and Temptations of Satan; I refer the Reader to *Seward's Journal*, which, by the Reading, I think our Cases were not unlike. He complains it was Sin which divided between him and God; to this I set my Seal. I always found it was Disobedience and Rebellion to that inward Power that marr'd my Comfort and Peace with God, from whom that Light descended. I went now wholly to the *New Presbyterian Meeting*, so called; and as *Seward* says, "if I heard "or read the Experience of others greater than mine, I would be in

³ William Seward, *Journal of a voyage from Havannah to Philadelphia*. (London, 1740).

"Doubt if mine was not common Convictions, and so I might still "come short of saving Grace"; from the last Spark of which I was taught, there was no falling from it totally.

I would go a little off my Subject here, to observe the different Opinions in this Doctrine among Men, makes little odds to an honest Soul, one believes there is no falling from a Spark of saving Grace; (the Soul not willing to deceive itself, and who seeks to obtain Peace with God, doubts his having yet obtain'd this Grace while under Self-Condemnings,) another believes in one Grace, one Faith, one Lord, and [15] one Baptism, and a Possibility of falling, the Soul not willing to deceive itself, is ever afraid of falling when under Self-Condemnings.

But to return to my Subject, according as *Seward* complains, so was I, attacked by the Devil on every Side with monstrous, hideous, abominable, and blasphemous Thoughts, not lawful to mention, that I well might have said, Lord, is thy Servant a Dog, that I should thus think?

Here I was constantly at Prayer, (and I may safely say constant,) for I suppose in the Terms of three Years there did not pass one whole Month's Time that I was not in Prayer, for sleeping or waking he was the Object of my Mind; when asleep I dreamed of him, when I awaked I would never fail to be in the Midst of Prayer and Meditations, and this Power of God and Light of Christ, was all and all. Whenever I disobey'd its Voice, the Consequence would be Darkness, Condemnings, and a Withdrawing of his Countenance, then I could only think on God and Sin; even in prayer my sinful Inclinations and the Power of Satan prevailing so against my Will, that as *St. Paul* complains, *That I would not, that I did*. Yet blessed be God, there is a State attainable beyond this, let what will be said to the Contrary, and to such a State the Power of God brought me, even against, at least without the Help of my Will; for I have to believe that poor Man, if God was not in earnest, even as it were to force him from under the Bondage of Sin, he would stick there all the Days of his Life. I have thought when Sin has prevailed over me in such a Manner, that I have trembled and thought, no One could ever possibly withstand it.

Yet at other Times I have felt the Spirit of God work so irresistably, that I have wondered all the World was not converted; as to that Difference of Opinion among Men, whether God forces the Will I

shall not dispute. I will give here two instances of my own Experience, by which the Reader may judge my Sentiments.

One was, as I remember in this Manner: Coming one Evening to the House where I lodg'd and it had become dark, I was called of God to turn aside and pray: but a great Unwillingness arose in me, and I must needs come nearer the House first, and as it press'd clearer and clearer I grew of a great Hurry and could not stay, as it was growing late and getting darker, and I could as well pray by the Bed-Side or in a more convenient Place than this; in this Interim, a certain Woman was meeting me, and it was not so dark but I saw her some Distance, and Satan suggested instantly in my Mind, assisted by the Lust of the Flesh also, as ready to take Hold of the Woman as she pass'd me, but yet nothing immodest: The Light and Power of God withdrew immediately, as soon as I gave the Temptation a Hearing, when nothing but Bashfulness was left to oppose, which made but a small Resistance. This Conflict all pass'd in about one minute's Time, when the Woman was nigh meeting me, and seem'd not to give the Way, which help'd to furnish me with an Excuse: Bashfulness being thus overpowered by the Flesh and the Devil, and observe, my great Hurry was now all over, [16] and nothing was left to oppose. Yet this Light returned again so quick, and with severe Power like unto Lightning, so as to drive Lust and the Devil out of Hearing, in the twinkling of an Eye.

And I thought they never more would venture to return, at which Instant I pass'd the Woman by, and neither touch'd nor spoke to her, and presently ashamed, especially when I remembered how great a Hurry I had been in, but how I had slack'd my Pace to consult with the Flesh and the Devil, nor could I now pray for Shame and Confusion of Face: I fell to the Earth where I lay some Time, while the Spirit made Intercession for me, with Groanings, which I could not utter into Words. And I felt Peace afterwards, but not so full and satisfactory as if I had yielded to a true Obedience.

And now some may perhaps be ready to say, these Trials are for our Experience. If I were to advise, it would be for every One to give up to God with full Obedience at first in all his Calls and Leadings, which they never will repent of. I have found none, nor read of any who have ventured to say, they had to repent following its Motions, while thousand repent they did not. And though God's

Mercies may be extended to some, and we may arrive to the Land of Promise at last, for which I hope, yet many fall short and die in the Wilderness, besides, how happy is the Man who goes this Journey in forty Days! which the rebellious House of *Israel* was forty Years a going and then not peaceable Possession, and that because they did not wholly follow God's Command to utterly drive out the Inhabitants. Though I would warn any from taking Pattern by this, yet it is to be feared that there are too few now a-Days who come up with *Israel* of old, yea, methinks happy would it be for this Generation if the spiritual Enemies of spiritual *Israel* were as far subdued as they were of old, and yet the Gospel Dispensation is certainly more glorious. Be encouraged O Ye! who is entered on this spiritual Journey, to out-do the Jews in that less glorious Day, remember it was God's Command, to utterly drive out the Inhabitants. We are prone to think we can't be so good now as in former Times, especially in the Apostles Days; but I have to observe this to have been the Case in their Time, or the Apostle would not had Occasion to tell the People of his Day, that in former Times they were Men of like Passions as we are. It is quite safe to strive to excel our Predecessors in Virtue, much more to come even. I am in down-right Earnest, and would encourage any One into whose Hand this may happen to fall, in the Beginning of the Work of Christ in them to encounter the Devil, the World and the Flesh, at once, and wholly submit in Obedience to the Cross, and daily bear it after Christ. I am ready sometimes to wish, I had my Time to go over again, yet am afraid if I should, I might not come so well on as I have; but I am firmly of the Belief, that if I had wholly followed him at least in some of his clearest Discoveries, I should, at this Day, have been more nearly acquainted with him, and not a whit behind the Primitive Believer. So would I encourage others, being willing they should be before me, yet, if I know my Heart at all, I am desirous if it would be the Will of God, not to be behind One.

[17] I would to God I were attain'd to that State of Perfection, which I believe is attainable in this Life, and that sometimes I have had a Taste and Sight of. For I remember, before I had any knowledge of the great Opposition this Spirit meets with in the World, among those who call themselves its Friends, I had walked some time wholly by its Directions in all Things, and likely might have stood in that State, had I been amongst its true Friends. However, I

have to believe I ought to have stood there, in which State was no Occasion to take *Thought for To-morrow*, I mean even temporal Affairs, and wordly Employments: It would even put me forward in my Business, reprove my Slothfulness, excite Activity, bring to my Mind Things necessary to be done in the Things of outward Employment, as well as inward Exercises of Religion. And as I have witnessed a Time of this State, as also a falling therefrom again. I have plainly to observe, that our temporal Affairs are carried on much more to Advantage; it even enlivens the Body to Exercise, cause our Business to be delightful and pleasant withal, every Thing under this Direction will be attended with Success. When I would be sent of Errands before Strangers and Great Men, (so called) as I was little and young, it would look difficult how to express myself, deliver my Message, and to behave myself; then I would look to my Leader, and wholly depend on him; to direct my Way, and order my Business, which I can give this Testimony of, and well remember, was always attended with Success and Peace to myself, and in my Return, I would have to praise his Holy Name.

This, I doubt not, but will look childish and silly to some of our old and wise Men, but mark by the Way, that in old Time old Men had their Eyes to God, to direct them and guide them in their Undertakings, both in their own, as also when they were sent by either Father or Master, witness *Abraham's* Servant, when he went for *Rebecca*. I gained the Affections of all Company while under the Guidance of this Power.

But I observe, our Wise Men of this Age can tell us from whence all this ariseth, and write whole Volumes about the natural Causes thereof, but notwithstanding them, I know what I say to be true.

And also can see, yea, and comprehend them all, even the learnedest Writings extant, both Divinity, Mathematics, Astronomy, and the highest Philosophy of the Day, so far as I give myself the Time to study them, that I have good Reason to believe, my Capacity is not below them of the first or greatest Magnitude, nor have I been less curious than most to examine the Truth of our holy Religion, without Prejudice or Partiality; but find this little Stone the touch Stone of all Truth, and the other Nought in Comparison of this Wisdom of God; and 'tis not without some View of convincing some of the greatest Deists of this Day, that I throw this simple little Piece into

the World, especially if I am, or shall be able to produce the second Part.

But to return in this State, which resembled the Sabbath of Rest, or Sight of the Promiss'd Land, I had some Ups and Downs, occasioned in Part from my Unwillingness to bear the Cross, though it was become [18] both pleasant and easy. But those who should have been my Helpers in this Travel rather helped to pull me down, yet under those Disadvantages I kept pretty steady some Time in the narrow Way, daily arguing against those that oppos'd the Workings of the Spirit, and exhorting Sinners, both by speaking some myself, and reading to them Portions of Scripture and Books of Divinity, mostly those of Whitfield's Writings and the *New-Presbyterians*, (so called) there being a Constraint laid on me so to do. And now having thus briefly gone over some Part of my Time, I come again to Particulars, which occasioned a new Conflict and Soul Exercise.

Once when I had been walking with a certain Man in the Night, and had endeavoured to shew him the Way of God's Salvation; as we drew nigh Home, as well as before; I was filled with solid Peace and Satisfaction, attended with a certain Assurance of the Love of God, which was more pleasant and comfortable than can be express'd. When we got Home some Strangers were in the House, and One was shewing of Juggler's Tricks; now in Times past I had been very active in performing those Tricks. As I looked on, I thought the Man was but awkward at it, and yet the Beholders greatly admired him, which rais'd a Desire in me to take the Business out of his Hands, because I could perform much more to Advantage, though I had not practised any Thing of the Kind a long while; but I was instantly reprov'd and forbid as I had been before when I had quit it first, and knew it was a Practice disagreeable to the Spirit; but Satan having prevailed so far as to gain my Desires to such a Thing, (which now a Days was rare with him) he followed up the Hold, and the Temptation plead, but just to go, and shew them how cleverly I could perform it. Then I promis'd to immediately quit, and bar it from taking Hold of my Mind; and if the Company should appear too much surpris'd, I could tell them the Way it was done: But by no Means could I have Liberty. Now the Devil mustered his whole Force, (for I was now of his Side) and suggested, I might just go, it would be done in a Minute or two, and I might keep my Mind compos'd and retir'd the whole Time; it could make

no Alteration in my Mind. At Length I assayed to go; but clearly perceiv'd the Spirit of Christ withdrawn, which evidently gave me a Shock in my Mind. But Satan now soon prevail'd again, saying, it was but just a Step or two into the Floor, (I was by the Fire-side) and may be done in a Minute or two, and then you may go to Christ again, who I now feign would persuade myself, was only withdrawn for a little Time, and permitted me to go. I got up, and stept in among them, and immediately a Lightness and a airy Mind possess'd me. As soon as I said I can do so, One answering, 'I lay a *Penny*, *you cannot*.' I immediately stakes the Money; but a Fear began already to seize me, for I remembered, I had promised to act with Sobriety. I was ready to recant, and a little hesitated, when Satan exerted his utmost Strength, and in about one Minute's Time I won that *Penny*, and beheld Christ look on me in fierce Anger, and seemed in Wrath to depart for ever. When the Devil fully discovered himself, [19] laughing me in the Face, and methought, the whole infernal Race came to rejoice at the Conquest.—He that held the Stakes had given me the *Penny*; but such a horrid Sight! the Devil himself seem'd to scorn my Company, laughing, and making Sport of me. So much as look toward Heaven I dar'd not, there was angry Sin avenging-God. But it is, I'm sure, beyond my Power, to describe the Anguish of my Soul, I went and sat down, looking into myself seriously, as it were in a still Amazement, to see how soon my State was altered, but a few Minutes ago full of Heavenly Guests, now, the very Devil scorns my Company. Thus I seriously mus'd to see, is it really so or not, almost ready to roar aloud, but not choosing to frighten the Company, who were still busy at their Pastime, though I now minded them not.

Sometimes I sat down by the Fire, sometimes I stood up, being so uneasy and restless, I knew not what to do; it looked so deplorable a Case, it seemed unrecoverable: Which forced me to attempt to rest satisfied, with the Loss of GOD. But, O the Flames of Hell! represented with Flames of Sulphur and Brimstone, seemed Nothing in Comparison of the Wrath of God, of an angry God! I thought, I could endure the Thoughts of everlasting Fire, could I be hid from the Presence of an angry God: And I am sure, they, who have tasted of the Wrath of God, have no Need for Hell to be represented with burning Flames.

After trying every Method to find Ease, but got none, it was impossible to shake it off, or get ease in any Sort. I thought, sure if it be thus all Night, alive in the Morning I cannot be, which is but twelve Hours. Oh! think I, I would to God it was a Dream! or that I might turn it into Nothing! or loose my Senses! so that I might entirely forget it. And as sometimes, I had awoke out of a Dream, that I had been glad to find was but a Dream: O! methought, could I but now awake, and behold this to be a Dream! Being able to compose myself no longer, I arose, and went to a Fire in another Room, where no One was, and considered what I had best to do, but could find no Remedy. At length I thought I would go to Bed, and get to Sleep, peradventure God may turn it all into a Dream. I now quite despair'd of Pardon, if it really was not turned into a Dream: So this was my last Shift. *Judas* his Case came now before me, how he carried the Money back, and when they refus'd to take it, how he threw it down, and hanged himself. This stay'd me a while from going to Sleep, until I would return the *Penny* back; and I could have wished it had been more, to induce him to receive it back: But whether he would take or not, I was resolved to try, and if he refused it to follow *Judas* his Example so far as to throw it away, and then I would try what Difference a Sleep would produce; and it seemed if that did not alter my Condition, I could not possible live any longer, but like *Judas* must make my End. I became now curious in what Manner to offer the Man back his Penny, in the most likely Manner for him to accept it. And as I could hear them through the Petition from where I was, I waited to hear them break up, for I knew they were going home before Bed time. So when I heard him [20] with some others bid farewell, I stept out at another Door and followed after them ten or twenty Paces, and it being dark so as scarcely to see one another, I called him by Name and stept aside, as though I had a Secret to tell him, having the Penny in my Hand, (resolved on his refusing it to throw it violently down) composing myself so as my Voice might not betray the Terror I was under; and says: Here is the Penny I won of you, I will not keep it. Withal offering it in his Hand in haste as not to detain him, which much contrary to my Expectation he seemed readily to accept, without the least Hesitation, or saying one Word; and it seemed to give me some Relief and a Hope, that a Sleep would have even a miraculous Effect to relieve me. I delay'd no

Time, but went immediately to Bed undress'd, throwing the Covering over my Head, and was asleep in a few Minutes. And waking again as soon, I saw it had fail'd of the desired Effect; then drawing my Hands from under the Covering slowly, and that I might behold verily if it was no Dream.

And now as I was about to stretch forth my Hands, and to roar out aloud, for I could compose myself no longer, for I was now quite distracted Mad: Being thus at the last Extremity, and Brink of everlasting Despair, methought I discovered Something, resembling my Redeemer, coming as it were, from a great distance above the Clouds, and descending very swift; my Hands being stretch'd forth, being that Moment going to roar out aloud, by Reason of my Pain. I stop'd at this Sight, to hear what Message it brought; but expected it was Anger and Wrath, and that perhaps would add to my Pain as to cause me to expire quietly, from frightening other People, which I still had some Regard not to do. Thus holding forth my Hands in the same Posture I was in, when I first espied it, which descended so swiftly as in a few Minutes to be present, seemingly within the Room, and as clearly said to my troubled Soul, as ever I heard Words with my Ears, *Thy Sin is forgiven thee*. At which Words I let my Hands drop slowly downwards; but instantly raising them again, on a Thought of the Blackness of my Sin, intending to say: Lord! my Sin is so great, it cannot be; but I was stop'd by this Heavenly Angel, (for there seem'd to be a visible Difference between it and the Son of God) for it was now returning, but on this unbelieving Thought of mine it turned back again, before I could utter into Words, and with an angry Countenance said, *This thy Sin is greater, to refuse so gracious an Offer*. This caused a violent Shock through me, and I cried out into Words, (which were the First I had uttered, except what I said to the Man, when I gave him the Penny,) and says, Lord! I believe, thou hast forgiven me; but, Oh! pardon this unbelieving Thought! also it arose in me, because my Sin is so great; or Words to this Effect. Then answered me, saying, *Thy Sin is great indeed: And though God has now forgiven thee, yet, thou hast thereby strengthened the Enemy's Hands so, that thou wilt have many a Battle the more for it. Stand faithful therefore to thy Helper, lest he may, one Time or other, prevail against thee: For God will now try thee more nearly, than yet thou hast been*. [21] All this I accepted, and believed; and thought, O has

God forgive me? let me be tried as Gold. I thought, I could accept Pardon on any Terms whatsoever, without the least Reluctance: The Spirit of God (or his Angel) stayed not with me; but I was left fully satisfied of Forgiveness, and also content to be alone. I waked now and then all Night, and had some Reflection on my Sin. Satan also was gone, and no Doubt disappointed.

After passing some Weeks alone in Fear and great Humility, not knowing how to be deprived of the Lord's Presence; in which Time I procur'd a Book which treated of, and described the Sin against the holy Ghost: I ventured to read it through in Fear, lest it describ'd my Sin. Neither dared I open my Case to the Minister, nor others, for if they had condemn'd me it would have been much the same as if they would justify me; for I could believe none in this Case but God alone. The Hiding of his Face was all my Grief. Thus, as I said, after passing some Weeks, the Lord began to try me again, with a nearer Exercise, according to his Word, (though at first I did not remember it.) Now I was reproved for Eating my Victuals, (or necessary Food) which seemed the greatest Cross of all, and for some Weeks I was obliged to cross my Appetite every Meal, by short Allowance; and sometimes not to eat at all. And once, after fasting thirty or forty Hours, I was an hungry, and being then going Home from an Errand of about one Mile, I pleas'd myself with the Freedom I seem'd to conceive, I should have to satisfy my Appetite, after so long a Fast, and continued in that Mind till I got Home, and my Breakfast ready. When I was about to sit down, I began to feel a Restraint, and I was feign to beg and pray, saying within myself, O good God, hinder me not this Time. Notwithstanding all I could do, after about ten or twelve Sups, I was obliged to quit. Now I began to remember, these near Tryals came on me for my great Transgression; nor had I any Notion at all of any Sin there was in Eating, nor of the real Damage inordinate Eating does, and may do the Constitution of People, which of late I have seen acknowledged by many Authors. And to my own Experience I have found to be true, I mean an Advantage to the Constitution of moderate Eating, as well as Drinking, and to this Light alone I owe the Praise. For, though the Scriptures ranks Gluttony with Drunkenness, I did not see it until by the Spirit. I became entire Master of my Appetite, as any other Passion: So that I eat only to live, and not live to eat; and this was more than three Years Exercise. So must

I here prefer the Spirit before the Letter, though I much esteem the Scriptures, Glory to God.

I was also in this Time restrained from diverting myself in Hunting, Fishing or the like Exercise at many Times; as it has so happened that on what is called a Holyday, or of a Saturday Afternoon, when I have been very busy getting ready my Gun, Ammunition, Lines, Hooks, &c. especially if somewhat pleased and raised with the Thoughts thereof. I have at such Times been forbid, and has argued in my own Mind, how Christ himself sometimes was a fishing, and many good Man of old [22] delighted in hunting; this Conflict lasting perhaps an Hour, and has been conquered, and my Will made subject to the Will of God; and sometimes when I have thus give up and concluded not to go, I have suddenly been permitted to go, and then I could go in a right and calm Frame of Mind, and not raised by Success or cast down with the Contrary; and many Times have spent more time in Prayer and Meditations, and got as good Success in hunting as them who thought on nothing else.

I have also known at Times when my sinful Inclinations as Lying, Pride, Anger, Passion and the like would get the better of me, so as to cause Fear and Self-condemnings and afraid to bring my Deeds to the Light; thus sometimes they would gether on me on all Sides, and I had to behold my Sins as Mountains. I have yet escaped the condemning Power and had to behold those Mountains consumed, as by the very Breath of his coming, and in a Moment has laid them even with the Valley and embraced me in the Arms of divine Love, without the Sentence of Condemnation as at some other Times.

I was now a constant Adherent to the new Presbyterians or *Whitefieldians* so called, who became now greatly opposed by the World and Pharise Doctors of Divinity. I was according to my Age zealous against them, in contending for the Authority and Necessity of the inward and sensible Inspirations of the Holy Spirit, which was the grand Quarrel between us. The Scriptures proved this in the Apostles Days, but it was objected we was not to look for such in this Age.

The chief Objection of Weight with me was, if this be true: How comes we never heard of it before, and what has become of all our Forefathers? There was no such Doctrine preached in their Days, and I had seen no Book as yet except the Bible which held forth

the same, though I had searched all I could come at; this would put me pretty much at a stand, how any in former Ages could have witnessed this Work and not declared it to others. I had conceived thereof if I could prove it not now, I thereby would prove it true. And as I was once in a Dispute with one who I had heard had a Book of *Martin Luther's Works*, after a pretty long Dispute, I asked him what *Luther* said of the Workings of the Spirit for I understood *Luther* had been one of the first Reformers from Popery; the Man said he, holds much the same in that as you do; I thought very strange at that that he would not believe for all that. I had a Desire and intended to get *Luther's Works*; but before I did, I met with *Sewell's History*,⁴ a Book giving an Account of the Rise and Progress of a People called in Scorn *Quakers*, which was like the Sun breaking out of Darkness into Noon-day. Me thought I found Truth in plain Characters, and though it might not convince the Wicked, whom one from the Dead would not; yet I was rejoiced beyond Measure and confirmed in the Truth of all I had been taught before of God, and was pleased to think how my Companions the *Whitefieldians* would rejoyce with me also. Now, as I have already observed, my Notions of the *Quakers* were, that they knew nothing of the inward Inspirations of the Spirit. I had read [23] also in *Whitefield's Journal*, where he says, "Their Notion about the Spirit, was right." But he calling them Notions, I thought they were only so without the experimental Knowledge thereof. And now on reading this History of *Sewell's*, I was persuaded the *Quakers* of this Day were degenerate and fallen from the real Life, only retaining a Notion thereof in words. But I thought had *Whitefield* come across this Book, how much he would said in its Praise, as he had some I had not seen.

I was very impatient however to see some of my Friends, to shew them the Prize; and on Sunday as we called it, one of my Friends came, or one of the new Sort (as they began to be called), I soon began to read to him some of the Book, and he presently opened on me Lion like saying, it was the Works of the Devil, Delusions, and Witchcraft, and I wot no more than I now remember, adding as a great Crime, that the *Quakers* would read that Book on the Sabbath Day as soon as the Bible. Which I took to myself, and laid by the

⁴ Sewel, William. *History of the Rise, Increase and Progress of the Quakers*. (London, 1725); reprinted in Philadelphia, 1728.

Book, thinking I would search it more narrowly, before I ventured to show it to any of them again. The Man charged me to read no more in it, whatever I did, for it was exceedingly bewitching; nevertheless I read a great deal therein. And as *Whitefield* had observed, I thought their Belief concerning the Spirit, was wholly agreeable to our *New Presbyterians*. Now I had no familiar Acquaintance with any of the Ministers, there being no settled One of that Sort in our Parts, but chief of some of the Elders and others, I began to dispute with concerning the *Quakers*, in order that they might rightly understand the *Quakers* Belief, concerning the grand Article of our Salvation, *to wit*, the New Birth, not doubting but then they would think more charitable of them; for I was sure it was the Spirit of Christ that brought us from Darkness to Light, by an inward Work, that was sensible to him in whom it was wrought, and not because of our own Works, or outward Performance, or Ceremonies. This they would readily acknowledge, but add, we must still be found in the Use of Means, though we believe they profit us nothing. All this I could grant, which made me narrowly search, to see what outward Means or real Commands of God were neglected by the *Quakers*, and what real Authority, without Partiality we had for our present Form I order thereto, I look'd back to see by what Means or Rules I had obtain'd so far on my Way as I was; and here I clearly and plainly saw, it was owing to God alone, by this Light in my Conscience, who had drawn me to himself by his good Spirit, and in the very Manner as the *Quakers* had set forth. As for my being baptized, it was done when I was an Infant, and by all Likelihood by one that was a Stranger to God, neither could I see wherein it had done me the least good. And for me to suppose that the good Spirit of God would neglected me, if I had not been baptized with Water, was more then I dare do; seeing those *Quakers* had witnessed it, owning them more then any People I could hear of. I would therefore reason with my Friends, that if any Person attained to the New Birth, and became sensible of the sanctifying Work of the Spirit, it was no matter to us by what Means he attained it, as to the outward Ceremonies he used, seeing God had accepted him.

[24] I likewise told my Friends plainly, I had more Charity for the *Quakers* a great deal, then I had for the *Old Presbyterians*; for this Reason: As we hold, and truly believe it, to be by converting and sanctifying Grace, that we are made fit for the Kingdom, and

not by the Performance of this or the other Ceremony, and seeing the *Quakers* owned and believed in the powerful Work of God, it might be the Ceremonies only, they differed with us about. But the *Old Presbyterians*, if once they come to own and experience this Work of God, this Power, which teaches, redeems, and sanctifies the Soul, then there is nothing more between us, seeing as to Outwards, we are all the same. If so, they could not oppose the very Ground and Pillar of Truth, on which the Church of God is built, *to wit*, the Revelation of the Spirit, and call the Workings thereof, diabolical, enthusiastical, and spiritual Phrensy's. Imbibed Notions of spiritual Calls to the Ministry, and much more with writing malignant Satyrs against the very Power of God, such as the Description of the wandering Spirit: All which shews their Enmity to the Gospel of Christ. As there is no outward ceremonial Difference between us, some would own the Substance of all this to be true; but still deny the *Quakers* Salvation, and would have it, they knew nothing of the Work of God, but only some deluding Notions of the Devil, and wanted to prove it, by saying, they denied the Scriptures, and deny'd Christ's Coming in the Flesh; and would go start Naked about the Streets, both Men and Women, daubing themselves with Filth, and going into our meetings: And that they wholly depended on their own Works, and said, they were Holy and Perfect, and needed not the Blood of Christ: That they seldom prayed, and never for a Forgiveness of their Sins. Thus are these People represented to any One, who seems to have a Liking to their Ways, in order to frighten him from any further Search; for I am of Opinion, that there are few who are truly seeking the Kingdom of Heaven, who impartially look into, and examine the Principles of the *Quakers*, but ten to one he is convinced of the Truth of them; though many may fall back again, because by and by, for the Word's sake, they are offended, because their Doctrines testify to the Truth of that Word in their Conscience, which is deviding between a Man and his Lovers, and the Way becoming too narrow.

I also found there was a little or nothing in the above Slanders; this caused my Love for them the more, seeing there was all Manner of Evil spoke of them falsely for his Name sake. The Reader may have an Idea of a true *Quaker* by the foregoing Discourse, at least of that Power which makes a true *Quaker*. For now I saw plainly

there was a certain Power, and that of some Spirit (chuse from whom), that whomsoever suffered himself to led thereby, became sober, honest, just, faithful, merciful, humble, low, meek, temperate, abundantly given to Prayer and Meditations, hating Sin, and delighting and desiring Holiness. And what is very remarkable, what it taught of old it taught now, what it taught one the same another being the same, Yesterday, to Day and forever. Speaking the same in *China* as *America*, being in Substance this, "Love [25] the Lord thy God with all thy Heart, with all thy Soul, and with all the Strength, and thy Neighbour as thyself." Besides this saying none other; he that understands may read the whole in this small Lesson, but he who understands not, may imagine this is an old Lesson, and that many other Nicities and Ceremonies are since added. But I can tell thee O man! and that by Experience, thou canst not learn this one short Lesson from the Letter; but by the Spirit thou art first convinced, that thou lovest not God, or thou wouldest forsake thy Sin at his Reproof, and when thou forsakest by Degrees, he will also shew thee that it must be with all thy Heart, and with all thy Soul, and will be thy Helper as well as thy Teacher, to put out all thy Strength. And if thou plottest out against thy Neighbour, saying to thyself, he may do the same to me, and it is nothing but just, and that the Law will justify the same. Here thou mayest darken the Letter, but the Spirit will testify it to thy own Face; thou oughtest not to do so, but love thy Neighbour as thyself. Thus it brings all thousands and ten thousands to be of one Heart and one Soul, be their Profession as to Ceremonies or Forms what it may. I can safely say I never knew it take Part in one disputed Form or other, though to some others it may, but more likely. I believe we are apt to strive to shelter ourselves under ceremonious Forms when the Way becomes too narrow.

And I believe thousands of those who bear the Name of *Quakers*, know nothing of this saving Power of God. They having as well as others trampled it under Foot, setting up Forms to shelter under, and loving the Pleasures of Life under the Form of Holiness, whose God is their Bellies, their Sweet Hearts, their costly and grave Apparel, the Esteem of Man, and their fellow Mortals, besides others having no other concern but to maintain their Right to Society.

For the Seed of God is not like an Estate, the Son of a *Quaker*, or Son of *Abraham* if he letteth it not grow in his Heart he is as

much a Stranger to God, as though he were the Son of a *Turk*. The Promise never was to *Abraham's* Seed by Generation, which Seed by Generation nevertheless holds the Profession as to its outward Shew, nor am I intending to plead for any Name or Profession under the Sun, but only for the Truth of that Spirit of God and Power of our Lord Jesus Christ, for which I first put Pen to Paper.

Only I can add, he who rejects this Light in his Heart, and is not led and guided by its Dictates and Motions, is no *Quaker*, nor of the Seed of *Abraham*, let him make the fairest Shew whatever. So was it of old, and of Course must be with the best reformed Societies. Some who come in by Generation, as the Lord complains, steel his Word, garnish the Sepulchers of the Prophets, embellish the Writings of the Antients, hold the Traditions of their Forefathers, which without the Life, the Spirit, the Blood and Vitals, are but dead Forms, *straining at a Gnat, when they can swallow a Camel*, as our Lord complains, *they are like whited [26] Sepulchers, which indeed appear beautiful outward, but within are full of dead Mens Bodies*.

But I shall leave this to the Reader's Judgment, whether he, who is obedient to this Light of Christ, singly to himself, and not from Tradition, whether he be not a Christian. Neither do I mean to exclude such, who may fall short divers Times, through temptations of Satan and their own Lusts, who are yet striving to overcome, and grow in Grace; yet this I can say from my own Experience, this Spirit will never consent to any Evil, and if not trod down and rejected, will strive against it and every Tendency thereunto, in such a Manner, as will bring the Man or Woman, Son or Daughter, from under the Bondage and Slavery of Sin. And this alone I can venture to affirm is the Faith and Belief of a *Quaker*, whatever Practice may be the Contrary by some, or if all, who hold the Profession outwardly. I have dwelt thus long on this Subject, because I have found no Society who publickly own this Power in its full Extent from its first, last and every Appearance, with that full Assurance of Faith as the Apostle *Paul* had, who ventured to preach Christ from the Revelation of the Spirit only; and at last declared, that which was in Man's Heart and Mouth was the Word of Faith, which he preached.

Yet I believe many of all Denominations do own and believe in Christ within: As to their Particulars, even while small in Ap-

pearance, and like into a Mustard-Seed, though despised by their wise Rabbies, who will have great and splendid Notions of him outward, and above the Clouds, where their Belief of him without them will profit them nothing except they become Children and Fools, and believe in this Light, take up the Cross. However little and silly it may seem to be, and as they may think fit only for Children, yet if they, while really Fools and Children, (in whom I always believe it strives) did not believe in most (when Men, and grown Wise) again became Children and Fools; and indeed the only Time is when we are Children, to *remember our Creator in the Days of our Youth*, before our wise Notions are grown so high. Yet is this Power able to subdue the stoutest Soul, and wisest, or Self-righteous *Paul* in being.

Now though I thus argued, I had no Thought of leaving the *Presbyterians*, I rather expected from what I could learn from their Preaching, for I had the Opportunity of hearing many; for there was no settled One in those Parts, but Plenty of Travellers and Supplies from other Parts. Thus I say, I expected they were coming into the antient Purity of the primitive *Quakers*, in Things of the most Importance, such as the Holding forth; a spiritual Ministry not allowing that any One ought to preach the Gospel, until they were called of God: In plain, not till they were inspired and moved thereunto by the Holy Ghost; what else meant *Whitefield's* Letter to the Bishop? And thus they would express themselves in the Pul-pit What? shall I not gain one Soul to God? has he sent me "all the Way from *New-England*, to preach to this Congregation "for Nought? Surely not, there is some Soul within my Au[27] "dience, for whose Sake I am sent so far, and who has receiv'd "Benefit by the Gospel Promises I have declared.

"O! what shall I say to my Master this Night? must I tell him, "you will not hear? What Answer will ye that I tell him who sent "me this Day to this Place? O! let me tell him, ye are willing." And in Prayer: "Not to presume to speak, without the Life and Power." Yea, they seem'd to cry against a dead and carnal Ministry, against the Diversion of the Times, Gaming, Racing, Tipling, Danc-ing, singing vain Songs, petty Oaths, as, Faith, Troath, or taking the Holy Name in Vain, Quarrelling: And I soon expected for them to testify against Wars and Fighting; for I was sure it was

contrary to the Lamb like Nature of a Christian. Thus I thought we were coming to a spiritual Worship, for I had still a very mean Opinion of the present *Quakers*, and I fear I had too great Reason, and have since found the better Sort are sensible of.

But it was one Pillar, this one principal Ground of all Truth, that I contended for. And thus persuading my friends, to have Charity for all that bore this Image of Christ, let their Profession be what it would. And thus I heard the *Quakers* Principles falsely accused more and more; as I would have no Regard to what they alleged against the People, for those who walked contrary to their Principles, it lay at their own Door. And I said, the Principles were the Truth, and ventured again to read some Sermons in *Sewell's* History to some of them, who would allow the Doctrine therein sound, but would object, they preached thus sound, to catch and delude Souls; for they would have it, the *Quakers* knew they were deceiving the People, being some of them Conjurers, and others, sent from the Pope on Purpose. I began to assert these Things to any I met with who stood for the *Quakers* in the same Manner they had been asserted to me, for I began to think there was something in it. As to any matters of Fact, they could but deny them, and told me they all had been manifestly proven to the Contrary, and recorded by good Authority, which I might know the Truth of, by searching into the Disputes of that Day. And as to horrid Principles, their Principles were in Print, in a Book called, *Barckley's Apology*.⁵ Now I had been told, they never would shew their Principles to One, until they had catch'd him by a fair Pretence and Shew of Truth. The Person whom I mostly talk'd to, who held for the *Quakers*, was one that had been brought up that Way; but had left or been turn'd out of that Society. He told me one Day, to call at such a *Quaker* Preacher's House, and ask him to lend me *Barckley's Apology*, (adding, they mostly had one in every Family,) and he would engage they would not deny it to me; but I did not soon go, as I was so well warned, I was careful how I ventured to be familiar with them, nor would I go to their Meeting, not when being overtaken by One who was going to Meeting, and over persuaded me to go, but I confidently refused.

But as one Thing was most confidently affirmed, and by some I thought I could believe that was the *Quakers* denied the Scriptures to

⁵ Robert Barclay, *Apology for the true Christian Divinity; as the same is held forth and preached by its people, called in scorn, Quakers*. The first edition appeared in 1676 and was dedicated to Charles II. It was reprinted in Newport, R. I., in 1729.

be [28] the Word of God. Now I had never considered the Distention of the Word of God, by which the World was made, and by whose Word and Power all Things are upheld; but I simply understood the *Quakers* denied the Scriptures to be the written Words of God, or the Writings of inspired Pen-Men, and of no more Certainty or Rule than any profane History. Thus I was speaking to the aforesaid Man, of such a monstrous Principle as to deny the Scriptures. That Book, says he, that I was telling you of, has a whole Proposition in it concerning that very Thing.

Then one Day I call'd for it, and met with some of my Friends, who ask'd what Book? and seeing I was determined to search myself, and not take Things on Trust, they advis'd me to fortify myself against it, and determine before hand not to believe it, however plausible it might look, or I would certainly be bewitch'd by it. When we parted I opened it on Horse-back and soon found that Part concerning the Scriptures, which I found altogether agreeable to my own Judgment.

He held, "That the Spirit of God, by which the Scriptures were wrote, was a more sure Word of Prophecy, not subject to change, as "the Scriptures were in some Sort, by corrupt Translations and "different Meanings by each Society;" yet he held, "they were nevertheless preserved so pure, that they were willing to stand by the "common Translation, and have their Principles tried by the Scriptures." O I soon considered, though I had not strictly thought on it before, that had we the Scriptures in their primitive Language; yet that Spirit or Word of God, that came unto me (to wit the Prophet,) saying, write these Words, or speak these Words, must be the principal Word, and only and foremost principal Rule. And I was, and had been of the same Judgment before, it was even a Doctrine among us, that we understood not many Parts of the Scriptures till opened to our Understandings by this inward Word and Spirit of God; and I considered how it was this invisible, though sensible Word and Power of God, that had been the only chief and principal Guide I had hitherto walked by in the Path of Holiness, the Scriptures were of but little Use, but when brought and applied by this Spirit, either in convincing me of Sin, or in Comfort and Consolation; yea, I might have gone in many Sins, and never knew it was Sin, if I had not been reprov'd by the Spirit, though I had got

the whole Bible by Heart; and when by Temptations of known Sins my own Lusts and Inclinations were drawing me aside, when a Bible was Miles off, God, who was nigh at Hand would resolve the Doubt, and reprove, and withstand me from doing this and the other Sin. And when I obey'd the Voice of God it opened my Understanding to see the Bible, speaking the same Things, and holy Men of old experiencing the same, then they afforded me Comfort; then, and not till then, I reap'd the Advantage of the Scriptures. By this only I truly believed them, by this I truly know them to be Truth, and prize them beyond all other Books. [29] And now, unless I have chang'd my Opinion on the reading of *Barclay*, I was and had been all along of his Judgment about the Scriptures.

When I read him of the Inspirations of the Spirit, he was exactly agreeable to my Judgment, and for which I could then have laid down my Life with Pleasure as a Seal.

As to Perfection by reading our Writing before I conceiv'd of it not to have been attainable in this Life till the last few Moments; yet many Times I had pray'd for, and desired a complete Victory, also Perseverance, or falling from Grace, universal saving Grace, and original Sin, I had had different Ideas of. Yet the Things in which I differed from *Barclay* in, were chiefly Notions I had learned and took from without; yet I could not see this immediately, for in Things wherein we differed, he proved so fairly and clearly from Scripture, that I was merely confounded, and could not gain say; yet Education worked so strong in Things I had got a Hold of that Way, that when my Judgment was convinced that the Scriptures held so, I was feign to think it was possible that both *John*, *James*, and *Peter*, were mistaken, and simply drop'd a wrong Notion of the Matter.

So that instead of finding the *Quakers* denying the Scriptures, I found we must deny them, or claim a Right to force their just and genuine Meaning in those Places.

But I hoped still our Ministers taught us as we could bear, and ere long would declare and bear a clear Testimony for Jesus Christ, to reign in his Church, sole King and Lawgiver. So went still to our Meetings, and look'd on myself as to have a natural Right; in all this Time I never had sung Psalms, and my Thoughts of the Lord's Supper was, if I found the Spirit of God bid me to partake, I

should offer it, otherwise not. But this I found wrought only against my corrupt Will and sinful Inclinations, not, as I can remember meddling in this Controversy one Way or other, save that sometimes I was reprov'd and forbid contending, especially if I grew angry, which sometimes I would, when my Friends now would begin to mock at a spiritual Worship of God, they began to grow worse than better, and began not to stick at the mentioning so much of the Spirit. And I had to observe, when I was prov'd, let me argue ever so fair afterwards, and be ever so careful of Passion, I had no Peace but self-Condemnings.

I was continued and drawn to be constant in Prayer, and by the Spirit drawn to attend our Meetings. When sometimes I would have let in an Excuse, also to cross my Will, even in Trifles, as sometimes under a Sense of my own Unworthiness, I would not dare to strike even my Dog, when he was disobedient, nor yet to throw a Stone at a Bird, for my Diversion, nor divert myself in Orchard, playing with, and throwing up young Apples, nor please my Appetite with pleasant Fruit, nor sleep a Nap in Day-time, nor let the Sun rise one Morning before me, nor touch a young Woman in a modest Manner, nor meddle in redeem[30]ing Pawns, given among young People at Plays or cross Questions, nor give myself the Liberty of jesting.

Many of which silly Things were harder to conquer than great Sins, and the Cross herein more difficult. And which is remarkable, I found by our Preachers the Way was becoming as narrow to them all, or many, for they began now to preach, that Satan had transformed himself into an Angel of Light; and was like to deceive the People with those silly Things: I heartily wish'd they could have prov'd it, for in short, the Way became so narrow, and according to the *Quakers*, I must walk therein. I began also to contend, and would have it was the Devil; but I would be so condemn'd, and obliged to fly to Prayer to God, in which I would earnestly beg, that he would clearly shew me if it was him, and I would obey; and when I honestly consented so far without Reserve, it would be clear'd to me to be the Lord Jesus, that I would not have the least Scruple left, and in my Obedience would have sweet and solid Returns of Peace beyond Expression.

And now to this Day I have this to testify, that in all my Life I never had to repent obeying its dictates in the silliest Thing; but contrarily have ever to repent my disobedience.

Nor have I to excuse myself, as some might think, as to lay the Blame on the Ministers, who encouraged us to believe it was the Devil, for if it had not been so, contrary to Flesh and Blood, all they could have said would not have availed.

I was also reproved for vain Thoughts, though they were ever such good ones, and all tend to the Advancement of Christ's Church; and I remember I was once told by one of our best Men, "That there was certainly a false Spirit at Work; for he had been once persuaded to believe this Work of God would have been carried on, that every Soul would have bow'd thereto, and Satan chain'd; so that we Should before now have had a Paradise on Earth which yet prov'd a Delusion." Now I presently saw, I thought to the Bottom of this Delusion, for in Things of the Spirit of God the Natural will always oppose, and we have to believe in the Cross: But such were those vain Thoughts, as I had just observed, for which I was forbid, and which were so far from God as they were wholly pleasing to the Will; and by forsaking the Denying ourselves in this, that we formed these grand Schemes of imaginary Paradise, wherein we would escape this troublesome Warfare, and Mock of wicked Men. Such were some Notions I saw in Print: "That God or Heaven could as soon fail, as *Whitefield's* School in *Georgia*;" or to that Effect. I remember I had a Notion and Hopes of some such most glorious Time, but it was more from my fond Imagination of such a Thing, and handed from one to another, than from this Spirit working in the Cross, and to which the natural Man is Enmity, which Cross of Christ is most safe But as I said, Thoughts of that Kind, such as become a Cæsar, a King, or a Preacher, endued with Power of God and converting Thousands I was forbid, and found it very hard to conquer.

[31] Yet when I was commanded to rebuke Sin in particular Persons at a particular Time, I found a Backwarkness though I had desired such a Call; but now I found the Difficulty and Difference of going in our own Wills. We desire a Power from God, a Commission in our own Wills, but we want to chuse a convenient Time, and Suitable Subject; nay we want to choose to whom: In short to

have the whole, just as we would to go when and where, and to say what we though right.

But O how can such pretend to be led by the Spirit. At length I was commanded to go and preach the Gospel to one certain Man, but I wanted to study what I should say and how to begin, but I could not tell what I was to declare, and I lay under it many Days, and when I went I brought the Discourse as it were about accidentally, and exhorted him in what I thought he was most ignorant. And I now sided to the Presbyterian Doctrine, for this Trial became so close, I would not have it that the *Quakers* was right at all, when I said all I could I had no Peace. My Errand was yet undone, so was I forced to go again and saw wherein I missed it before; for I was to say what God gave me to say, but I was afraid it would be some silly Thing that would be laugh'd at, so performed as before, and was sent again and again, but performed in like Manner, though I going I would determine to be obedient, come of it what would. At length he became sick, when I heard that, I was almost frightened, but promised I would go tomorrow; but about Midnight, that Night I awaked and found a Command on me to rise instantly and go; it was very cold Winter Time and I could not consent till Day, but at such unseasonable Time it would be observed and talked of through the Country. But now I began to feel the Wrath of God to kindle in my Bosom, and I cried O Lord Jesus! convince me of a Truth that it is thee, and I will go at thy Command; and I can in Truth declare it, in a Moment's time he appeared like a Blaze of Light, enlightening the whole Room and said, *It is, I, be not afraid.* I had shut my Eyes from seeing the Glory of that Light, for it so resembled a real outward Light, that I had no Question of it; and being told *to be not afraid*, I opened my Eyes and had to behold, that Light was wholly within my Soul. I rose and went, and had to tell the Man, the Lord Jesus only was his Helper, signifying, he must not trust to any Thing I had done for him or said. I found a Freedom to leave him; but knew I had a more particular Message to say, so sometime after, going by a Field, where he with some others were at Work, the Spirit bid me go and deliver my Errand to them all; yet I wanted to shift it off for another Time; but God's Anger now began to burn again, and methought I could see Hell opening her Jaws again, to receive me, yet did I stand out till my Strength began

to fail, and my Body to quiver under the dreadful and approaching Horror, if I now refus'd. I went over to them, who ask'd me some Questions, but I answering little; they fell into Discourse among themselves, when I began to hope to be excused; but One says after this Manner: "I don't know what Sort of People such are; for my "Part, if I owe a Man but [32] *One Shilling*, my own Heart will "not let me rest till I pay it" On which I was press'd in Spirit, having yet the Remembrance of that Fear and Dread, and I says, know ye what that is you call your Heart? He answered No; without it was his Heart: Then says I, hear me, and I will tell you what it is, so delivered my Errand as well as I could, beginning a little by Way of Introduction, to open some foregoing Points, how Man came by the Fall, until God sent his Son even Christ, which Power of God dwelt in a human Soul and Body, and being kill'd and crucified, thereby laid down that Life for the World, thereby purchasing a Portion and Manifestation of that same divine Power to be given to every one: And that is this Grace that speaks in your Heart, and will not let you rest till you pay your just Debts. But this is not all it says, look inward and obey this, and it will say more: It will not let you Lie, Roar and Sing, Curse, nor Swear; and some more to this, or nearly to this Effect. Though I pen it now by the Strength of Memory for some Years, nor would I be understood to pen it with Intent that every Word I then delivered, was infallibly and strictly true, knowing it to be a hard Case, at first speaking not to mix, yea, and be permitted to drop some Things we are persuaded to be so, but recommend every One to God within himself.

Now though our Principles held, there was no falling from the least Spark of saving Grace, yet, because of my Unwillingness to confess Christ I was at Times exceedingly afraid: The Scriptures also sided with the *Quakers* in these Things, and oft I was left inexcusable by the Spirit, who witness'd against me for God. And I was feign to search the *Quakers* Writings for Relief to see if any of them had ever so disobedient as I. And I found Encouragement from some who had stood out, Year after Year, and then took up the Cross, came to *New-England*, and suffered Whipings, &c. one in particular, directed me to the Book of *Jonah*; but not till now did I know and feel the great Use of that Book to some poor Souls.

I began also to go to the *Quakers* Meetings; but I rather became confirmed that the present ones knew too little of true Religion, our

own People began to undeceive me, and publicly disowned the inward Inspirations of the Spirit; so did I begin to defend altogether the Principles of the *Quaker*.

Once taking the *Confession of Faith*, (a little Book) out of an Elder's Hand, I happened to open it in a Place where it orders a Man must be twenty-four Years old, before he shall be ordain'd to preach the Word, seeing it strike at the very Life of Religion, cutting off all Faith in God, afraid to trust a younger Man.

Where is St. *Paul's* Faith here? who preached 17 years by the Revelation of the Spirit; so far from receiving his Doctrine from the rest, that when the Spirit bid him go to them, he was feign to do it privately, lest he might or had run in vain. I asked the Elder to lend me the Book, after shewing him how it smell'd of Carnality; but he knew my Zeal for [33] a spiritual Ministry, and was one I believe that had experienced much of the inward Life, he refused me the Book and said, they did not stick to that Order, but if one in younger Age was called they gave way to the Spirit. I soon got one, but found they did not prove Matters fairly, but the Enquirer had to allow their Meaning on Texts, and some Texts had no Reference to the Matter. I got Books also wrote against the *Quakers*.

To sum up the whole Matter, my Friends took upon them to direct the Spirit, and suffered themselves to be led thereby as far as they tho't fit, and when it led them out of their old Customs and Ceremonies then give it a new Name, and call that wherewith they were sanctified an unholy Thing, that which they must own to have been the Author of all the good Desires; that which had began to new-mould their Souls into the Image of God, they would now call the Devil. One Cause I believe was, if God taught his People himself and qualified his Ministers in Reality without the Colleges, then the Fleece would be in danger, no need for Pence; but I leave this on their own Consciences. And What I know by Experience I can speak with Assurance, so the Narrowness of the Way, the difficulty of crossing our own Wills by denying ourselves, this is contrary to the Flesh; it is easier for Flesh and Blood or the natural Man to fast two Days by their own Appointment, then one Meal by the LORD's. Yet there is more Good in a Fast of only Half a Meal by Gods Appointment, then in a Score of our solemn appointed Fasts, which is plain to the Understanding the latter being no Fast, no more then

if I happened to be where I could get nothing to eat for a Meal or so, this was known before hand and our Expectations prepared for it, no Provision made, there is no Expectation, nor no Temptation, no Battle fought, so no Victory gained, neither over our own Wills nor Appetites, and our Lord well knew the Nature of those Fasts as among the *Pharasees* was practised, and commands his disciples to fast in secret, and to pray in secret, which Command I beg all Babes in Christ to obey, for nothing worse for a Youth in Christ to let the World know it fasts to God and prays to God. I charge you therefore when the Power of God is revealed in any of you, that you are constrained to forsake your old Companions and pray to the Lord, steal from them and hide thyself, don't so much as let thy nearest Friend or Relation know thereof, *Let not thy right Hand know what thy left doeth, and thy Father will reward thee openly*, and give thee Strength over these Things, and when the Lord calls thee to confess his Name fear not, neither restrain Prayer before him, for that is the very Sword of the Spirit. Refuse not to pray before him though he calls thee at Midnight, though thou hast put off thy Cloaths, arise, put them on and let in thy Beloved be it never so cold. Don't bring your Trash of Forms for an Excuse; I have performed Family Prayer already at seasonable Hours; I have attended our First and Week Days Meeting. I am in danger of taking cold, why did thou not come at seasonable Hours at the Times appointed? In this Sort of Language we was encouraged to resist and rebell. From the [34] Pulpit, even by *Samuel Finley* since settled in *Nottingham*. I doubt not but if such Formalists were only in Love with a Fellow Mortal, and an Opportunity offered for embracing each other, these would hardly be so much pleading unseasonable Hours; methinks I can see the intended Spouse to be affronted at so much as a Grumble.

There is another Thing which is the Want of Faith: When I grew weak in Faith, I doubted whether would this Spirit lead me, and when both together, I pretended I was afraid to be led aside by Satan, but the Truth is we are afraid God will not lead us as we would have him, he is putting his Yoke on us and we can't trust him. And foresooth this, they would give as an infallible Mark of Satan, if we were pressed to smaller Things more then to the greater Duties of Religion. When in Truth these greater Duties was

but a Form which we would by Custom have done of our own Wills. What should we have called him, had he commanded one of us to have gone barefooted three whole Years? for of Course, a stronger Pressing would be required to such a Thing then our accustomed Duties; methinks we should had an *Enthusiast*. Be sure had we had an *Isaiah* or an *Abraham*, would any of us believed God if he had tried us to slay an only Son. But do any suppose God convinced *Abraham's* Understanding by a miraculous Appearance and outward Voice; where then would have been his great Faith, which is an inward Belief against our outward Senses, that which is made visible to me outwardly, which I both see and know by my Understanding I believe sure enough, and so do the Devils. *Thomas* believed, because he had seen and his Understanding convinced, but Jesus said, *Blessed are they who believeth with Abraham's Faith*. But to conclude, I know by Experience nothing hinders this Faith from taking place in our Hearts, as our Love for Sin and the Contrariety of it to the Flesh and our natural Wills, if it did not reprove our Sins and oppose our Pleasure, we are not so much afraid of dishonoring God. But whilst I pondered on those Things, the Lord appeared to me in a Vision of the Night, in a Dream, and having a perfect Remembrance of it, choose to relate every Particular.

And in my Dream, I though the Lord Jesus appointed a certain Day on which he would descend, on a certain Part of the Earth to act a Play, with all that should be ready and meet him there, and Notice was given thereof every where, at least I thought the Notice in our Parts was general. I thought also aforetime, the Lord had given every Man and Child at such an Age a Pair of Sleeve-Buttons, and they were to come wearing them Buttons in their Sleeves, or not be admitted into the Play. I heard of it some Days beforehand, and began to consider what had become of my Buttons, and remembered I had laid them up safely in the House behind the Plates and Dishes on a Shelf or some of the Shelves, and thought to look them up when I went to the House and have them clean and ready, but when in the House I forgot them, and would think of them again when out at Work, but still forgot either at Breakfast Time, Dinner or Night. As the Time drew nigh I grew more [35] and more uneasy, and once or twice began to look for them, but found some

pretty Thing or other to look at and think about, and so forgot them again until the Day came, and about nine o'Clock near Breakfast Time I remembered, but now least I should be too late to go first and look my Buttons, and began to reflect on my Carelessness, and tho't if I was not too late I would mind my Business better, and had a Fear if I went now to the House I should not find them, so I set off and ran to the Place of Meeting. I ran exceeding fast, and while I was yet a great Way off, I lift up my Eyes and beheld a small Company on a Plain, at which I took Courage and ran a little farther, then looking again I saw the Lord standing near the Middle of the little Company; who was in Rank, with their Faces towards me, and I knew the Lord as my only Acquaintance, who I thought beheld me with a Smile, but some of the Company moving, (for I was yet a good Way off), I saw their Silver Buttons which shined very bright, on which I stopped and beheld every one had on an exceeding clean white Shirt and the Buttons in the Sleeves, and I thought it looked exceeding beautiful.

I stood a few Moments thinking what I should do without mine; and casting my Eyes on the Lord, I saw him looking steadfastly on me with a smiling Countenance, on which I took Courage, and said in Spirit to him, Lord I will come forward, thou canst in a miraculous Manner bring my Buttons to me; but I thought he gently altered his Countenance into a Resemblance of a Frown, and answered me by his Spirit inwardly, that back I must go for my Buttons, and come wearing them; then I breathed a Prayer to him, to assist me to find them, and give me as it were Wings to fly: So I turned back, not doubting of his Assistance, and ran as fast as before. When in Sight of the House a Man met me, and he knew my Errand, and says, "Here are your Buttons," turning, as though he was going to get them, I followed him, glad to get them so soon; but he seemed to dally, and I look'd, I was in Sight of the House, and was sure I left them there; and the Man was going over a muddy Place, I turned from him, and began to run again; but he called out, "Here they are," and began to scratch up the Mud: I could have trusted the Man in any temporal Matters, and did not suspect him to deceive me, so going up to him, he scratch'd out of the Mud a very pretty Pair, and began to wash them in some puddles of Water among the Mud; I knew directly they were not mine, for I knew

whose they were, and says why them are such a Ones; "ho says the Man, they will do, this Way, in such a Hurry and———"don't want them or cares nothing about them. Then in Spirit (for I was not now in Sight,) I looked to the Lord, to know if he would approve of them; but he looked angry at me for turning aside. Then I scolded the Man, for now I perceiv'd he did it on Purpose because his own were lost, and I said, why did you thus deceive me? you know they would not do; besides, put them in the same Place, for —— may want them.

[36] The Man looked ashamed, and I ran on, to the House; it being now late Breakfast Time, there were some eating Pan-cakes, I being hungry fell also to eating; but before I had eat half a Cake I bethought myself, ran to the Shelf, and readily found my Buttons: Then I went to my Mother, (who was among many strange Women that were come together on the same Occasion,) to get her to put them in my Sleeves, while I eat my Pan-cake, which I held in the other Hand. After I had done eating, I stood sometime looking to and fro till I thought she was tedious, then looking to her, she had tied them one on each great Toe, with Thread, I cries out, O why so! they won't do you no good there, she said why then are you so heedless? O says I, why would you serve me so on this Occasion, put them in you can do it faster than I can with only one Hand. She nimbly cut them off my Toes and went to putting them in my Sleeves; I watched till she had one Button in one Side of the Wristband, when I took off my Eye looking round, but turning again to watch, she had slipt the Button out again, and was moving her Hands to my Toes; O what says I do you mean? seeming Angry; why says she if I had put them in it would not have done, you must put them in yourself. Then I took them from her and run out towards the Place, intending to put them in as I ran, but I was getting them ready, I suddenly met the whole Company, which shocked me so, I lost Countenance, but says, I hope it is not all over. Not over says one, would we stay waiting all Day. By which Time I saw the Lord, and was sensible he knew all I had been about. Lord says I, and took hold of his Hand, I hope it is not over? No says he the Time is adjourned; I said not on my Account Lord, for thou knew I was coming; and he said no not on thy Account only, but for thousands besides thee. One answers me and says

why, but had we not been come away you are not wearing your Buttons, the Lord (says I) knows, I should have got them in my Sleeves as I went along. But the Man seemed to doubt, though the Lord did not gain say me. So I began to shew the Man the Way, and it was partly by Faith, and that the Man knew as soon as he saw me put them in; and this had detained us two a little behind, and then following them into a House where was a great Fire, and they all stood warming. I went to the Lord to shew him, I now had them in, and took him by the Hand, sorrowing, he was going away so soon, and in a little Time he was gone, nor did I know how long the Time was adjourn'd. And I remember the Number of them that met, wearing their Buttons, and it was Nineteen, I was the twentieth, (had I got there,) nor did I see One more attempting to come. This is the Whole, and the Interpretation I leave.

As before observed, I had been some Time under Fear, and this Dream encreased that Fear; but the Presence of God would afford me Comfort under any Fears; so all the next Day I was favour'd with his Presence more than common, and with much Assurance of his Love, though I had a Sight accompanying, that he would withdraw his Presence from me for a Time, which caus'd me the whole Day to pray, that [37] his Holy Spirit might not be quit taken from me, my Heart trembled with the Thoughts of living in the World without him. Thus his Presence continued all that Day with the same Assurance of his Love and Care, and still accompanied with that Foresight that I should be left for a Time. And the next Day I found it even so, as soon as I awoke; I found myself like One in a solitary Desart, my Beloved was gone, and I knew not where to find him. Now I began to count the Time of his Coming, and methought it long if he should stay one Week; yet after many Weeks, I counted if it should be many Months, my Hopes would even fail. Now nothing could revive my Soul, all wordly Delights and Pleasures I despis'd, all the Grandeur and Pomp of the Universe would have been but as a Bubble.

Where to enquire after him I knew not, the *Presbyterians* had disown'd him, the *Quakers* I could not trust; yet my Soul longed for his Presence, nor could it be satisfied without him.

No hunted Hart ever longed more after the water Brooks, then my Soul did after God; and when I looked into the usual Place of his Resort, behold he was gone, and I knew not where.

All Men for Relief I forsook, I put no Trust in them: I resolved to bear my Burden alone and unknown, though he stay'd now a Year, and Years after Years.

I went now by Turns to both Meetings; the *Presbyterians* gave out from the Pulpit, "That the Power of God had left them, and "said, it was from the great Opposition it met with by the World," meaning those that oppos'd the *New-Lights*. I thought for my own Part, the Opposition in myself was the most material. But I remember the Minister took much Pains from the Pulpit, to encourage his Hearers to depend on their former Experiences, and not throw away their Confidence, assuring them there was no Possibility of falling from Grace, and he preached much from a Text, where it says: *If thy Heart condemns thee, God is greater; but if thy Heart condemns thee not, then hast thou Confidence in God.* After much Stuff, the Whole he made of it was, "That God was greater, and "would justify; but if our Hearts condemn'd us not, it was as well, "and then we had Confidence, &c." All this Shuffling would not do with me, if my Heart condemns me, God is greater, and so much more and greater, the Condemnation would be, Conscience is here meant no Doubt; and the Answer of a good Conscience was, the saving Baptism, a pure Conscience and undefiled, is what we are to press to. They owned God's Power was gone, save at certain Times, and I saw they could preach without it; they were turning back to *Old Presbyterianism*, and a State of dead Forms. Thus I left them, and was the more confirm'd in the Truth of the Christian Religion, as I have all along plead for, nor was my Faith on Man, it matter'd nothing to me, that this did so, and the other so, for if it was Evil, I knew it was done in Opposition to that Power. When I had to remember how the Lord watch'd over me from one Year's End to another, Night and Day, exceeding the Care of a Mother over her sucking Child. I speak the Truth Friends, I lie not, I am not able to set in forth to the Full, it was not possible I could believe this Spirit was to blame for the Sins of the Disobedient, I mean that Spirit testified of by the ancient *Quakers*, for I am as sure the Spirit they witness'd of was the same, as I am

of my Hand being Part of my Body, and I have known it strive so much against my yeilding to Sin, that the Thoughts of bringing Dishonour to his Name has been a greater Motive to restrain me therefrom; than all the Terrors of Hell and Damnation.

So my Faith being not built on Man, the Fall of Man did not stumble me, for that will be Truth, tho' all Men deny it. I went now altogether to the *Quakers* Meeting, and been much ever since a quiet Spectator; and have seen my Beloved at Times, who would touch the Handles of the Lock and withdraw, and peep as it were through the Lettice of the Window, or through the Roof of the House; sometimes appear on the Way, but withdraw as soon as I came in Sight of the City, or Assembly of the People: Like a Mother who weaneth her Child from the Breast, so is my Beloved; nor may he *be stirr'd up till he please*. Satan now plan'd his Designs against me, and was more than seven Years advancing by such slow Degrees, as scarcely discernably his nearer Approach. At length he *stirred up my Beloved: O ye Daughters of Jerusalem! stir the affectionate Son of my Bosom*, and has promised, *that then my Soul shall live; stir him not up*, he will come in the Time when it shall please him, and be as a Wind in the Forrest among the Trees.

FINIS.

Written about the Year 1750.

VIII

AN IMPARTIAL RELATION OF THE FIRST RISE AND
CAUSES OF THE RECENT DIFFERENCES IN
PUBLIC AFFAIRS ETC. (1776). BY HERMON
HUSBAND.

INTRODUCTION

Husband's *Impartial Relation* is undoubtedly the best account of the grievances of the Regulators by a contemporary who was identified with the movement. Though often quoted and cited, only one copy of the pamphlet is known to exist, which is in the collections of the John Carter Brown Library of Providence, Rhode Island. By courtesy of that institution it is here reprinted. However the name of the publisher and the press from which it appeared are as yet unknown.

An Impartial

RELATION

OF THE

First Rise and Cause

OF THE

RECENT DIFFERENCES,

I N

PUBLICK AFFAIRS,

In the Province of *North-Carolina*; and of the past *Tumults* and *Riots* that lately happened in that Province.

Containing most of the true and genuine Copies of Letters, Messages and Remonstrances, between the Parties contending: — By which any impartial Man may easily get and see the true Ground and Reasons of it. — Faction that universally reigns all over the Province in a more or less Degree.

Printed for the Compiler, 1770.

TO THE R E A D E R

The Author does not think it necessary to set his Name to this Work, as it contains Copies of such Letters and Papers that passed between the Parties at Difference, with Minutes of what passed at several Courts, in View and Hearing of the Public; and other Matters of Fact, that are so well known in that Province (for whose use it is chiefly designed) that the Truth of the Whole, I presume, cannot be attempted at to be denied. But if it should happen otherwise, this I am sure of, that I never can be convicted in myself of wilfully or knowingly either to have concealed or set forth one Untruth. And likewise, that I have been so well acquainted with the whole Affair, that I think no one Man in the [4] Province could give a better Relation of the Matter.

It would exceed the Bounds of what I could be able to pay for Printing to give a Copy of all the Papers, as there were so many Persons on each Side employed in Writing, and addressing the Inhabitants, in order to gain the strongest Party. But such, and so many of them as were signed by, and in the Name of the Body of the People, who assembled in publick Council, and such as were written to them again by public Authority, I have not omitted any that I could procure the Copies of. And such as I heard of, but could not procure the Copies, I have mentioned in their Order.

I shall add no farther Preface or Apology to this Work, but submit the same, in Confidence that my Aim is the Good of all, and every honest Man, and the Detection of Hypocrites and Rogues of the worst Sort, who rob and plunder Provinces, under Colour of Law and authority, to administer Justice.

An Impartial

RELATION

OF THE

First Rise and Cause

OF THE

Present Differences in Publick Affairs in the Province of *North- Carolina, &c.*

In Orange County the first Disturbance is generally ascribed to have arisen; but *Granville and Halifax* Counties were deeply engaged in the same Quarrel many Years before *Orange*: So that it may be necessary to give a few Paragraphs out of some of their Papers, to shew, that it was the same Grievance and Oppression that incensed all the Counties, without corresponding with each other. ———For though *Granville* County had been at War, as it were, some Years before the Disturbance in *Orange*, yet we never heard of it till it broke out in *Orange*.

[6] The Paragraphs in the *Granville* Paper runs as follow,

¹ “A serious Address to the Inhabitants of *Granville* County, containing a brief Narrative of our deplorable Situation by the “Wrongs we suffer,——

“And some necessary Hints, with respect to a Reformation.

“*Save my Country, Heavens, shall be my last.*—Pope.

Then, after treating on the Nature of Law in general, and of our Constitution, in Praise of it, he proceeds thus.——

“Well, Gentlemen, it is not our Form or Mode of Government, nor yet the Body of our Laws that we are quarreling with, but with the Malpractices of the Officers of our County Court, and the Abuses that we suffer by those that are impowered to manage our publick

¹ For complete text of this Address see the preceding number in this selection of documents.

Affairs: This is the Grievance, Gentlemen, that demands our serious Attention.———And I shall,

“Thirdly, Shew the notorious and intolerable Abuses that has crept into the Practice of the Law, in this County, and I doubt not but into other Counties also; though that does not concern us. In the first Place, there is a Law that provides that a Lawyer shall take no more than Fifteen Shillings for their Fee in the County Court.———Well, Gentlemen, which of you has had your Business done for Fifteen Shillings? They exact Thirty for every Cause: And Three———Four——— and Five Pounds* for every Cause attended with the least Difficulty, and laugh at us for our Stupidity and same Submission to these D—m—d, &c.”

** Their Fees in our Superior Courts is almost as many Hundreds.*

[7] Another Paragraph runs thus in Substance.

“A poor Man is supposed to have given his Judgment Bond for Five Pounds; and this Bond is by his Creditor thrown into Court.———The Clerk of the County has to enter it on the Docket, and issue Execution, the Work of one long Minute, for which the poor Man has to pay him the trifling Sum of Forty-one Shillings and Five-pence.———The Clerk, in Consideration he is a poor Man, takes it out in Work, at Eighteen-pence a Day.———The poor Man works some more than Twenty-seven Days to pay for this one Minute’s Writing.

“Well, the poor Man reflects thus,——At this Rate, when shall I get to Labour for my Family? I have a Wife and Parcel of small Children suffering at Home, and here I have lost a whole Month, and I don’t know for what; for my Merchant is as far from being paid yet as ever.———However, I will go Home now, and try and do what I can.———Stay, Neighbour, you have not half done yet,———there is a D——d Lawyer’s Mouth to stop yet;———for you impowered him to confess that you owed this Five Pounds, and you have Thirty Shillings to pay him for that, or go and work nineteen Days more; and then you must work as long to pay the Sheriff for his Trouble; and then you may go home and see your Horses and Cows sold, and all your personal Estate, for one Tenth Part of the Value, to pay off your Merchant. And lastly, if the Debt is so great, that all your personal Estate will not do to raise the Money, which is not to be had,——then goes your Lands the same way to satisfy

these cursed hungry Caterpillars, that will eat out the very Bowels of our Common-wealth, if they are not pulled down from their Nests in a very short time.——And what Need, I say, to urge a Reformation.——If these Things were absolutely according [8] to Law, it were enough to make us throw off all Submission to such tyrannical Laws; for were such Things tolerated, it would rob us of the Means of Living; and it would be better to die in Defence of our Privileges than to perish for want of the Means of Subsistence.——But as these Practices are contrary to Law, it is our Duty to put a Stop to them before they quite ruin our County, or that we become willing Slaves to these lawless Wretches, and hug our Chains of Bondage, and remain contented under these accumulated Calamities.

“Oh, Gentlemen, I hope better Things of you.——I believe there are few of you but has felt the Weight of those Iron Fists.——And I hope there are none of you but will lend a Hand towards bringing about this necessary Work; and in order to bring it about effectually, we must proceed with Circumspection; not fearful, but careful.

“1st. Let us be careful to keep sober,——nor do nothing rashly,——but act with Deliberation.

“2dly. Let us do nothing against the known established Laws of our Land, that we appear not as a Faction, endeavoring to subvert the Laws, and overturn the System of our Government;—But let us take Care to appear what really we are, Free Subjects by Birth, endeavoring to recover our lost native Rights, of reducing the Mal-practices of the Officers of our Court down to the Standard of our Law.”

This Paper was large, and deserved to have been printed at Length, but my Ability would not afford it.——It was dated, “*Nutbush, Granville County, the 6th of June, Anno Dom. 1765.*”

And tho’ it was the adjacent County to *Orange*, yet the first that ever we heard of it was in 1767, at our *August* Court, after we had tried to plead our own Cause at the Bar against Extortion.——Then some Persons who lived adjoining *Granville* Line told us they feared that Matter would ruin [9] some of us, for that just such a Case had been undertook in *Granville* County some years ago, and that they were at Law about it to that Day. And by what I have since learned, the Method they proceeded in was by Petitioning the Legislative Body against the Mal-Practices of the Officers mentioned in

the Paragraphs cited.—And thereupon the Officers sued the Subscribers for a Libel; indicted the Author of the Paper, and imprisoned him: Which Law-Suits have remained to this Day.²

There were other Counties, such as *Brumswick*, *Cumberland*, and some more, had wholly Declined paying Taxes as early as 1766, if not before, as nearly as I could collect Accounts;—but the Government made no noise about all this till *Orange* could no longer be kept quiet,——who never had knowledge of the Dissatisfaction of these Counties; so that the Thing did not spread by Industry of any in propagating or Communicating the Grievances, but the same Cause naturally produced the same Effect.

But now I shall drop other Counties and begin with *Orange*, having, as I said before, as perfect a knowledge of the whole Proceedings as any one Man in the Province.

Sometime in the latter Part of Summer, in the Year 1766, at an Inferior Court in the County of *Orange*, a Paper was presented and read to the Representatives and Magistrates of the County, as follows, viz.

No. I.³

“WHEREAS that great Good may come of this Great designed Evil, the Stamp Law, while the Sons of Liberty withstand the Lords in Parliament, in Behalf of true Liberty, Let not Officers under them carry on unjust Oppression in our own Province; in order thereto, as there is many Evils of that Nature complained of in this County of *Orange* in private amongst the Inhabitants, Therefore, let us remove them;—— [10] or if there is no cause, let us remove the Jealousies out of our Minds.——Honest Rulers in Power will be glad to see us examine this Matter freely——And certainly there is more honest Men among us than Rogues*; yet Rogues is harboured

* *The Author had in View to carry Elections by the Majority, and was to confute a general prevailing Notion, that the Combination of Rogues, by Means of a Mason Club, was so great, that it was in vain to try to out-vote them at Elections, which was the Method of Redress proposed in Conversation.*

among us sometimes almost publicly.

“Every honest Man is willing to give Part of his Substance to support Rulers, and Laws, to save the other Part from Rogues; and

² For a discussion of the petitions and prosecution referred to, see p. 178.

³ This document also found in the *Colonial Records of North Carolina*, Vol. VII, pp. 249-250.

it is his Duty, as well as Right, to see and examine whether such Rulers abuse such trust;——Otherwise that Part so given may do more Hurt than Good.

“Even if we were all Rogues, in that Case we could not subsist; but would be obliged to frame Laws to make ourselves honest.——And the same Reasoning holds good against the Notion of a Mason Club.

“Thus, though it (meaning Justice) must be desired by all, or the greatest Number of Men, yet when Grievances of such publick Nature are not redressed, the Reason is, every Body’s Business is no Body’s.——Therefore, the following Proposal is offered to the Publick, *to wit*, Let each Neighbourhood throughout the County meet together, and appoint one or more Men to attend a general Meeting on the *Monday* before next *November* Court, at a suitable Place, where there is no Liquor, (at *Maddock’s* Mill, if no Objection;) at which meeting, let it be judiciously enquired into, Whether the Freemen of this County labour under any Abuses of Power or not; and let the same be notified in Writing, if any is found, and the Matter freely conversed upon, and Proper Measures used for Amendment.

[11] “This Method will certainly cause the wicked Men in Power to tremble; and there is no Damage can attend such a Meeting, nor nothing hinder it but a cowardly dastardly Spirit: Which if it does at this Time, while Liberty prevails, we must mutter and grumble under any Abuses of Power until such a noble Spirit prevails in our Posterity; For, take this as a Maxim, that while Men are Men, though you should see all those Sons of Liberty (Who has just now Redeemed us, from tyranny) set in Offices, and Vested with Power, they would soon corrupt again and oppress, if they were not called upon to give an Account of their Stewardship.”

This Paper being publickly read at Court, in Audience of our Chiefs, Mr. *Loyd*,⁴ one of our Assembly-men, declared his Approbation of it, and the Rest Acknowledged it was reasonable.——And *Loyd*, altered the Day of Meeting to the 10th of *October*; and we being thus encouraged, Several Neighbourhoods held Meetings, and conjunctively Drew up the following Paper.

⁴Thomas Lloyd, appointed Justice of the Peace for Orange County in 1757, was member of the Assembly in 1762 (both sessions), in 1764-65, and in 1766-68. He was also a Captain of Militia and in 1772 Coroner of the County.

No. II.⁵

"AT a Meeting of the Neighbourhood of *Deep-River*, the 20th of August, 1766.———Unanimously agreed to appoint W.—— C——.⁶ and W——M——⁷ to attend at a general Meeting on the 10th of October at *Maddock's* Mill, where they are judiciously to examine, whether the Freemen in this County labour under any Abuses of Power, and in particular to examine into the publick Tax, and inform themselves of Every Particular thereof, by what Laws and for what Uses it is laid, in order to Remove some Jealousies out of our Minds.

"And the Representatives, Vestry-men, and other Officers, are Requested to give the Members of the said Meeting what Information and Satisfaction they can.———So far as they value the Good-[12] will of every honest Freeholder, and the executing Publick Offices, pleasant and delightsome."

In Pursuance hereof, about twelve Men met, but none of the Officers appeared (though they had frequently gave out Word beforehand, that they would be there——— Late in the Day Mr. *James Watson*⁸ came alone, and brought Word from Colonel *Fanning*,⁹ the other Representative, that he had always intended fully to meet us, till a Day or two ago he observed in one of our Papers the Word judiciously*, which signified, he said, by a Court of Authority:

**By what I have learnt since, they pretend to have mistook the word for judicially; but our original Papers were in too many Hands to make it take.*

———And had some other Objections, such as the Mill being no suitably Place. And concluding, that, in short (says he) Colonel *Fanning* Looks on it as an Insurrection, &c. &c.

⁵ This document may also be found in the *Colonial Records of North Carolina*, VII, p. 217.

⁶ William Cox.

⁷ William Massett.

⁸ James Watson was one of the pioneer settlers of Orange County and was very prominent in its affairs. In 1752 he was one of the commissioners named by the Assembly to establish the boundaries of the County and he was also then appointed a vestryman of the Parish of St. Matthew. In the same year he was appointed a receiver of taxes levied on goods, wares and merchandise in the County. In 1754 the site selected for a court house was property belonging to Watson, in 1759 he was one of the commissioners appointed to establish the town of Childsburg (later Hillsboro), and in 1771 one of the commissioners to build a new jail. In the meantime in 1757 he was one of the commissioners to raise supplies for the Indian allies of North Carolina in the French and Indian War and in 1770 he was one of those who informed Governor Tryon of the violence of the Regulators at the September session of Orange Court. He was Clerk of the Court at that time and was later Register of Deeds.

⁹ Edmund Fanning, chief object of Regulator wrath. Born in New York, and a graduate of Yale College, he came to North Carolina about 1760, becoming Register of Orange County in 1763 and a member of the Assembly in 1770-71. At the opening of the revolution he returned to New York and was a Loyalist in that struggle. Later he received honorary degrees from Yale, Harvard, King's (Columbia University), Dartmouth, and Oxford.

Whereupon we, in *Watson's* Presence, drew up the following Paper, and read it to him, Desiring his Judgment; and he said it was so just, and reasonable, that no Man could object to it; which was thus, *to wit*.

No. III.

“At a Meeting of the Inhabitants of *Orange* County, on the 10th of *October*, 1766, for Conference on publick Affairs with our Representatives, Vestry-men, &c.

“It was the Judgment of the said Meeting, that, by Reason of the Extent of the County, no one Man in it, in a general way, was known by above one tenth Man of the Inhabitants;—for which Reason, such a meeting for a Publick and free Conference, yearly, and as often as the Case may require, was absolutely necessary, in Order to reap the Benefit designed us in that [13] Part of our Constitution of choosing Representatives, and knowing for what uses our Money is called for——We Also conceive such a Representative would find himself at an infinite Loss to answer the Design of his Constituents, if deprived of consulting their Minds in Matters of Weight and Moment.

“And whereas, at the said Meeting, none of them appeared (though we think properly acquainted with our Appointment and Requests) yet, as the Thing is somewhat new in this County (though practiced in older Governments) they might not have duly considered the Reasonableness of our Requests.

“We therefore conclude, that if they hereafter are inclinable to answer it, that we will attend them at some other Time and Place, on their giving us proper Notice.

“It is also our Judgment that, on further mature Deliberation, the Inhabitants of the County will more generally see the Necessity of such a Conference, and the Number increase in Favour of it, to be continued yearly.”

A Copy of this was given to Mr. *Watson*, on his Approbation of it; and he promised to present each of our Representatives with proper Transcripts;——Which we make not the least Doubt but he complied with.

But, however, instead of complying with our so reasonable Proposals, Colonel *Fanning*, the following Court, or at a general Muster, read a long Piece of Writing in Publick, and among our Justices, in

Repugnance to our Request, vaunting himself greatly in his Performance; telling them, he had served us with Copies thereof, and signified it would silence us, or had silenced us: But as to what it contained, I cannot inform the Publick, as we nor any one of us, that ever I could find, ever saw it.

This, with the Menaces thrown out by the [14] Bomb Sheriffs against such as was most active in this Affair, so discouraged the People, that the Affair dropped, after we had subscribed to a Sum of Fifty Pounds, in order to commence a Suit at Law against them on the Penal Laws, and was Denied by the only Attorney we had any Hopes of serving us to undertake it.

Some Months after, all was still, there happened to come out a new Collection of the Laws in one Book; two of us took a Copy of the Fees out of it for recording Deeds of Conveyances, and carried it to Court in *August* Term, 1767.—These men offered the customary Fees for the Recording and Proving their Deeds that were taken in other Counties, though that Exceeded the lawful Due; at the same Time offering to pay more if any of them could shew any Law for more.

This was before the Bench, when the Man who spoke was asked, How long it was since he had Commenced Lawyer? But as he did not regard some of the Bench, began to threaten him, for standing in Contempt of the Court; upon which they withdrew.

The Person who had got this Law-Book, being half Owner of it, had it at Court, and it was handed about among the People; which the other Owner knowing of, and he being one of the Bench, and on the Bench at the Time, came immediately out of Court, calling his Partner in the Book to one Side, Desiring him to keep the Knowledge of the Book's being handed about a Secret from the Rest of the Court.—The other Replies, I have given them, that I let have the Book, that Caution alre dy, for I see how Matters stands among you.—Which was, that an honest Man could hardly live among them; for these New Books were so scarce at that Time, that they would have known who had let it out among the People.

Thus we may see how he apprehended himself [15] under a necessity to conceal his good Offices and Honesty to secure himself in Office: But I suppose he was found out; for he was soon after put out of Commission.

The Bombs now grew more and more Insulting, taking Unusual Distresses for Levies; taking double, treble, and four Times the Value; bearing all off to Town, thirty, forty, and sixty Miles, and was remarkably cross, taking By-paths, and other Ways than they had Promised; so that those who followed, may be in a few Hours, to Redeem their Things, could never overtake them.

These Things were all sold in Town at under Rates, and became a constant Trade; so that roguish People began to depend on these Sales to raise them Fortunes.—And as to any Overplus being returned to the Parties, I never could hear of any. Besides, among Dutch people, and such as were ignorant of State Affairs, they practised taking Four-pence, Six-pence, and a Shilling in a Tax, more than from the more Knowing.

The High Sheriff also sent out an insulting Advertisement, which was set up very early in the following Year, *to wit*, 1768, (may be in first of *February*) as follows.

¹⁰ “Whereas, by a late Act of Assembly, the Sheriffs of the several Counties in this Province are obliged to attend at five different Places in their County, at least two Days at each Place, at some Time between the first Day of *January* and the first Day of *March*, in Order to receive the publick County and Parish Taxes.—I hereby inform the County of *Orange*, that I intend to comply with my Duty in attending, according to Law, at Times and Places hereafter to be advertised; and that every Man who fails paying their Dues, at these Times and Places, is, by the same Law, obliged to pay me *Two Shillings and Eight-pence* extraordinary: Which Sum I shall [16] Demand, without Respect to Persons. Whereof everyone concerned is desired to take Notice.

“And should any Person imagine, that it is sufficient if they have their Money ready when I or my Deputy comes for it—I advise them to be provided with *Two Shillings and Eight-pence for the Visit*,
From their humble Servant,

TYREE HARRIS.”

Every one could see this was quite insulting, as well as an Attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriff's Ease.—And instead of being so careful to Word his Advertisement, That “the Sheriffs were

¹⁰This document is also in the *Colonial Records of North Carolina*, Vol. VII, pp. 771-772.

obliged to attend," he might have said, The Asses were obliged to bring their Burdens to him, in order that one of their Deputies might collect the Whole in ten Days sitting on their Breech, at Ease, in five Places only.

The Rumour of giving the Governor *Fifteen Thousand Pounds*, to build him a House, all happening together at this Time, conspired to give Rise to what was commonly called the Mob; which in a little Time altered to that of the Regulators.

This new Association began in a different Neighbourhood, though they always mentioned and espoused the former; and People had entered into it by Hundreds, and it spread every Way like Fire till it reached *Sandy-Creek*, where the principal Men who were concerned in the Papers No. 1, 2, and 3, lived. There this new Scheme met with some Opposition, on Account that it was too hot and rash, and in some Things not legal. And though the *Sandy-Creek* People endeavoured to shew them the Danger of their Proceedings, yet took Care at the same Time not to kill that Zeal for Justice and true Liberty.——And at the second Meeting they had prevailed with them to [17] form new Articles, and censured their First; yet at their first Meeting they had sent a Paper to our Officers; which Paper was approved of, and bears the Name Number V. though dated *March 22d.*——The new Articles being adopted at their second Meeting, held on *April* the Fourth, being instead of the first Articles, always bore the Place of the First, which was Number IV. and is as follows, *viz.*

No. IV.¹¹

"We the Subscribers do voluntarily agree to form ourselves into an Association, to assemble ourselves for Conference for Regulating publick Grievances and Abuses of Power, in the following Particulars, with others of the like Nature that may occur.

"1st. That we will pay no more Taxes until we are satisfied they are agreeable to Law, and applied to the Purposes therein mentioned; unless we cannot help it, or are forced.

"2d, That we will pay no Officer any more Fees than the Law allows, unless we are obliged to it; and then to shew our Dislike, and bear an open Testimoney against it.

¹¹This document is also in *Colonial Records of North Carolina*, Vol. VII, pp. 671-672.

"3d. That we will attend our Meetings of Conference as often as we conveniently can, and is necessary, in order to consult our Representatives on the Amendment of such Laws as may be found grievous or unnecessary; and to choose more suitable Men than we have done heretofore for Burgesses and Vestry-men; and to petition the Houses of Assembly, Governor, Council, King and Parliament, &c. for Redress in such Grievances as in the Course of the Undertaking may occur; and to inform oneanother, learn, know, and enjoy all the Privileges and Liberties that are allowed and were settled on us by our worthy Ancestors, the Founders of our present Constitution, in Order to preserve it on its ancient Foundation, that it may stand firm and unshaken.

"4th. That we will Contribute to Collections for [18] defraying necessary Expenses attending the Work, according to our Abilities.

"5th. That, in Case of Difference in Judgment, we will Submit to the Judgment of the Majority of our Body.

"To all which, we Solemnly Swear, or, being a Quaker, or otherwise scrupulous in Conscience of the common Oath, do solemnly Affirm, that we will stand true and faithful to this Cause, till we bring Things to a true Regulation, according to the true Intent and Meaning hereof in the Judgment of the Majority of Us."

Number Five is as follows, *viz.*

Number V.¹²

"The 22d. Day of *March*, 1768.——The Request of the Inhabitants of the West Side of *Haw-River*, to the Assembly-men and Vestry-men of *Orange County*, *viz.*

"Whereas the Taxes in this County are larger, according to the Number of Taxables, than adjacent Counties, and continues so Year after Year; and as the Jealousies still Prevails amongst us, that we are wronged; and having the more Reason to think so, as we have been at the Trouble of choosing Men, and sending them, after the civilest Manner that we could, to know that we paid our Levy for, but could receive no Satisfaction;——for *James Watson* was sent to *Maddock's* Mill, and said that *Edmond Fanning* looked on it, that the Country called him by Authority, or like as if they had a Right to call him to an Account.——Not allowing the Country the Right that they have been Entitled to as *English* Subjects; for the King

¹² *Ibid.*, VII, pp. 699-700.

requires no Money from his Subjects but what they are made sensible what use its for.

“We are obliged to seek Redress by denying paying any more until we have a full Settlement [19] for what is past, and have a true Regulation with our Officers.

“As our Grievances are too many to be notified in a small Piece of Writing, we desire that you, our Assembly-men and Vestry-men, may appoint a Time, before next Court, at the Court-House, and let us know by the Bearer, and we will Choose Men to act for us, and settle our Grievances.

“Until such time as you will settle with us, we desire the Sheriffs will not come this Way to collect the Levy; for we will pay none before there is a Settlement to our Satisfaction.

“And as the nature of an Officer is a Servant to the Publick, we are determined to have the Officers of this County under a better and honester Regulation than they have been for some time past.

“Think not to frighten us (with Rebellion) in this Case, for if the Inhabitants of this Province have not as good a Right to Enquire into the Nature of our Constitution, and Disbursements of our Funds, as those of our Mother Country,——we think that it is by arbitrary Proceedings that we are debarred of that Right.——Therefore, to be plain with you, it is our Intent to have a full Settlement of You in every particular Point that is Matter of Doubt with Us.——So fail not to send an Answer by the Bearer. If no answer, we shall take it for granted, that we are disregarded in this our Request again from the Publick.”

This was the first Message this new Society sent our Officers: But no Masters of abject Slaves could be more exasperated;—they were Rebels, Insurgents, &c., to be shot, hang’d, &c. as mad Dogs &c.—And the *Sandy-Creek* Men, or Authors of No. 1, 2, and 3, were to be punished for it all; for these refers to their former Papers.——Now as they were so ignorant as actually to imprison, and went through a Course of Law to make the Au [20] thors of the first Papers culpable for these last, I will observe, the latter had a Right to refer to the former, because they had concurred and joined in the former, but that by no Means made all them who were concerned in the former, and scarcely had heard of the latter, to be anyways culpable——
——— *Indians* now-a-days know this Distinction, that where a few

bad People of a Nation commit Outrages, the Whole is not blamable. However hard this Distinction might have been to our Officers to conceive, I know it was the easiest and naturalest of all Things to be felt by the Parties.

And further, because they stiled themselves Inhabitants of the West Side of *Haw-River*, therefore the whole Body of the Inhabitants, on the West Side, was so treated, that I can venture to say, that though not one third Man on the West Side had yet concerned themselves, yet they were afterwards forced to join as one Man in Defence of their Lives.

On the whole, I do not think it needful to take much Pains to shew this Distinction, for my Opinion is, our Officers Spleen against the Authors of former Papers was for that very Reason, that they were pursuing a legal and constitutional Plan to be redressed: As also, when it came to be tried in the Law, the Distinction was as clear as the Day, and punished none but them who were actually Guilty.

I have said thus much on this Head, the more as I observe by the News-Papers, that Men in Higher Stations than our Officers attempted the same Thing on the Town of *Boston*.

So to proceed in Order, ——— On the said 4th of *April*, 1768, after the Articles were altered, and both Parties joined on the former [21] Plan, they drew up the following Paper, *viz.*

No. VI.

“At a General Meeting, of the *Regulators, held *April* 4th, 1768,

* *This new Name, instead of Mob, was necessary, according to the Nature of the Business of the Day of altering the Articles.*

it was agreed to send P—— C—— and J—— L——,¹⁸ to request the two late Sheriffs and our Vestry-men, to meet twelve Men that we shall choose on the Teusday after next Court, to Produce to them a Copy of the List of Taxables for each Year, and a List of the Number of Names of the Insolvents returned each Year, with an Account how the Money was applied, to whom paid, and to what Uses, both Vestry-men and Sheriffs, and to request our Representatives to confer with them in our Behalf, and shew us Law for the customary Fees that has been taken for Deeds, Indentures, Administrations, &c. If the Time appointed don't suit them, let them appoint another more suitable.”

¹⁸ This document is also in *Colonial Records of North Carolina*, VII, pp. 702. P—— C—— refers to Peter Craven and J—— L—— to John Howe, L. being a misprint for H.

Before these two Men had Time to perform this Message, the Officers, either to try or exasperate the now enraged Populace, took, by way of Distress, a Mare, Saddle and Bridle, for one Levy.—and they immediately rose to the Number of Sixty or Seventy, and rescued the Mare,— and fired a few Guns at the Roof of Colonel *Fanning's* House, to signify they blamed him for all this Abuse.

The Paper No. 6 was then delivered to the established Minister of the County, who undertook to try to accommodate the Matter; who, accordingly, returned with an Answer from the Officers, and that they had appointed the 11th Day of *May* for a Settlement.

[22] The Regulators hereupon called a Meeting on the 30th of *April*, chose twelve Men to meet accordingly; and sent the Officers an Account thereof; but the Paper never was delivered by Reason (as it was on a *Saturday*) the Governor's Secretary arrived the same Day in the Town, and brought a Proclamation from the Governor, desiring all Rioters to disperse: And on their Refusal, commanding all Officers to aid and assist to disperse them.——And, what I think is the oddest Thing I ever heard of, this Proclamation was set up on *Saturday*, the Rioters ever since the Riot all peaceable at Home, yet the Officers assembled themselves on *Sunday* to the Number of about Thirty, with a Tavern-keeper or two, and a Man who had lately killed another, which the Jury of Inquest had adjudged willful Murder, all armed with Guns, Pistols and Swords, and rode all the Sabbath Night, the Distance of 40 Miles, and took one of the Rioters Prisoner by Virtue of a Warrant;——And also another innocent Person without any Precept at all by Reason no Precept could be obtained, because no Charge was, nor could be proven against him, though they had made all the Search and Enquiry they were capable of doing, by Reason, as was hinted before, he was allowed to have been the Author of the former Papers, No. 1, 2, and 3.

But the Case was so among the Inhabitants, that every man knew who was and who was not joined into the Regulation, by Reason it was all the Topick of Converse and Enquiry. It being therefore so well known that this Person was Innocent, that it alarmed and raised a fiery Zeal in every one who had or had not entered into the Association. And I suppose not near half the Inhabitants had at this Time entered into it.

This Alarm immediately so engaged almost every Man, Woman and Child, that by Day-Light, next Morning, some Hundreds were assembled near the Town, which Number, in an Hour or two, en[23]creased to Odds of seven Hundred armed Men; many of which had traveled forty odd Miles on foot, some bare footed, and some (at least one) had traveled thirty Miles with Shoes slip-shod; but the most part were on Horseback. The whole was actuated by what the World calls the Spirit of Enthusiasm, for I felt it myself as soon as I came into the Company; it caught every Man, good or bad, as *Saul* was caught among the Prophets.——A man Under the Operation of this Spirit, I am certain, can do and undergo double what he can at another Time.—It is prodigiously dangerous to raise this Spirit, if it is nothing but Natural, as some imagine; but I believed it was a Work of Providence, and therefore feared no Evil.

The Governor's Secretary met this Company in sight of the Town; ——But I have to observe, first, That both the Prisoners had given Bail, and had met this Company very early; for we supposed the Officers had got some Word of their being on the Road, as some Companies took up long before Day, near the Town,——or else the Prisoners would, we suppose, have been sent to *Newbern*, 200 Miles. This would have been hard work, for the Inhabitants on the East Side of the Town who were also assembled in Companies, laying in Wait to rescue the Prisoners among Inhabitants who had not intermeddled before.——The Secretary read the Proclamation, and delivered a verbal Message, which he said he had from the Governor, That if they should assemble While he Was up, to tell them, if they Would Petition the Governor, he Would Protect and Redress them against any unlawful Extortions, or Oppressions of any Officer or Officers in the County; Provided they would disperse and Go Home.

No sooner was the Word spoke, but the whole Multitude, as with one Voice, cried out, Agreed. [24] That is all we want; Liberty to Make our grievances known.

It is admirable the Quickness of the Spirits in a People, truly engaged in a Cause, to apprehend and take any Thing offered that in truth has a Tendency to procure a Remedy we had felt ourselves shut out and denied a Hearing; and we sensibly felt the whole Calculation and Design of our Enemies was to prevent our Cries from

Reaching as it were, the Royal Ear; or, which is the same Thing, the Legislative Body of the Government.

A fatal Blow was this to our Adversaries; but they saw it not till it was too Late. Had not this very Accident happened, we never Could have had a Hearing.

And to mend the Matter, the Secretary was so Pleased, that he had hit upon an Expedient, to mak Peace, that he sent for some Bottles of Wine, and with a loud Voice, before Officers and People, Repeated the Same Thing over and over, without Variation, several Times; and drank the Wine as a Testimony or Record that such an Agreement was made; and that by express Orders from his Excellency.

The Joy that we return Home with, on this Occasion, was inexpressible, for Men can feel Things of an oppressive Nature that they can't make appear; we could plainly feel we were debarred from Complaining; we could feel we dared not Petition the Governor unless we let our Adversaries Word the Petition. But now they had tied themselves. We immediately advertised the Agreement, and appointed a Meeting; but this opened the Eyes of our Officers to see their Mistake. I call it a Mistake and Accident, because the Governor denied Afterwards that he gave such Orders, as will be seen by and by in his Answer to our Petition; though some who don't like him, think he denied it because he rued it.

It is beyond my Power to describe the Pains that [25] was taken to Recall this Mistake, unless I was to Print a Copy of all their Letters, and as much Preaching and Arguments as a Man could read in a Week.——We were told in plain Terms, and in Writing, that no Petition could, nor would go down with the Governor but such a one as they had Wrote for us, in which they made us say, we had thought the Officers wronged us, but had now found it was owing to some Mistake or Defect in our Proceeding; and told us, if we persisted, Colonel *Fanning* would represent our Case to the Governor as High Treason, and not as a Riot,—and kept constantly at this Work till and on the Day appointed to meet, where and when a Merchant and Clergyman appeared to influence and frighten us from Proceeding; and though they made the Work Exceeding unpleasant, and much confused us; yet the following Paper was unanimously at last agreed to, *viz.*

No. VII.¹⁴

“At a General Meeting of the Regulators, Associators and others, Inhabitants of the County of *Orange*, Held at *George Sally’s*, on the 21st of *May*, 1768.

“It was unanimously agreed to continue our Petition agreed on last Meeting to the Governor, Council and Assembly, for Redressing very grievous, cruel, iniquitous and oppressive Practices of our Officers, which we generally conceive we have laboured under this Many Years, contrary to Law.

And in Pursuance of a verbal Message from the Governor, sent to us Express by his Secretary, delivered to us on the 3d of this Instant, we agree to Renew our said Petition.—And as sundry Forms have been read here this Day, and signed by sundry Neighbourhoods, we appoint W—— M——, W—— C——, H—— C——, J—— L——, [26] J—— M——, J—— H——, R—— H——, and G—— H——, to form one out of the whole, refering to the several Complaints for Information of Grievances.¹⁵

“And being conscious of our Loyalty to King GEORGE the Third, on the present Throne, and our firm Attachment to the Present Establishment and Form of Government, which we sincerely believe all our Grievances are quite opposite and contrary to, by downright roguish Practices of Men who have crept into Posts of Office, and have practiced upon our Ignorance and new settled Situation.

“We therefore order the above Committee to Implore the Governor’s Pardon and Forgiveness, in the most Submissive Manner, for any Errors that we may have committed, that is or may be construed to derogate from the Honour of his Majesty’s Crown and Dignity, or tending to obstruct the Peace and good Order of Government.

“And for the Governor’s better Information, we order the Committee to prepare Copies of all our Proceedings which was agreed on by our Body even from the first Beginning;—— to go with our said Petition,——and a suitable Number of the said Committee to wait on the Governor with them as soon as possible.

“And as we have received a Letter from *Anson County*, Informing us of an Association there on the same Account, and Requesting our

¹⁴ This document is also in *Colonial Records of North Carolina*, Vol. VII, p. 758.

¹⁵ The names to which these initials refer are: William Moffet, William Cox, Hermon Cox, John Lowe, John Marshall, James Hunter, Rednap Howell, and George Hendrey.

Information of the Manner of our Proceeding, we Order a Copy of this to be sent to them immediately, to prevent Speedily their Running into any Error,——we believing their Scruples to be well grounded, and their Intention Honest.”

In June they Waited on the Governor with the Copies of all the foregoing Papers, and o[27]ther attested Complaints, and brought us back the following Answer, viz.

¹⁸ GENTLEMEN,

I received by the Hands of Messrs. Hunter and Howell a Petition, and other Papers, subscribed by several of the Inhabitants on the South Side of Haw-River, in the County of Orange, under the borrowed Title of Regulators, assuming to themselves Power and Authorities (unknown to the Constitution) of calling Publick Officers to a Settlement, together with a Narrative of their Conduct, and Detail of the Grievances and Complaints against the Clerk of the County Register, and other Publick Officers, whose Exactions and Oppressions its pretended has been the Cause of the late Insurrections which have Disturbed the Peace of that Part of the County.

These Papers I have, agreeable to your Desire, communicated to the Members of his Majesty's Council, who having taken the same into their deliberate Consideration, Unanimously concur with me in Opinion, That the Grievances Complained of by no Means warrant the Extraordinary Steps you have taken, in Assembling yourselves together in Arms, to the Obstruction of the Course of Justice, to the Insult of Publick Officers, and to the Injury of Private Property; Measures, as they manifestly tend to the Subversion of the Constitution of this Government, would inevitably, if carried but a little farther, have been denominated, and must have been treated, as High Treason; and consequently have involved the Abettors, most of whom I am satisfied were actuated by Honest Motives, though incautiously drawn in to concur in Acts that might have terminated in the Ruin and Destruction of their Families, while by illegal Means they are intent on exempting themselves from Evils, within the Remedy of Laws of their Country.

These Calamities, I trust, are now removed by the timely Proclamation I sent up to you by my Secretary, and your own prudent Determination to Petition me in Council for the Redress of the Grievances

¹⁸ This document with slight variations is in the *Colonial Records*, Vol. VII, p. 792.

complained [28] of.—*The Discreet and Steady Behaviour of Colonel Fanning, and the Officers and Men under his Command, met not only with the Entire Approbation of myself and his Majesty's Council, but will ever be acknowledged with Gratitude by every Wellwisher to this Province.*

I take this Opportunity to acquaint all those whose Understandings have been run away with, and whose Passions have been led in Captivity by some evil designing Men, who, actuated by Cowardice and a Sense of that Publick Justice which is due to their Crimes, have obscured themselves from Publick View. That in Consideration of a Determination to abide by my Decision in Council; it is my Direction, by the unanimous Advice of that Board, that you do, from henceforward, Desist from any farther Meetings, either by Verbal Appointment or Advertisement. That all Titles of Regulators or Associates Cease among you. That the Sheriff and other Officers of the Government are Permitted, without Molestation, to Execute the Duties of their respective Offices.——And that all Breaches of the Peace against his Majesty's Government may be Determined and Examined in a due Course of Law.

It is by your strict and punctual Adherence to these Directions, that any farther Clemency, on My Part, may be looked for.

This was the Extent of what I authorized Mr. Edwards to declare on my behalf.——And now, that I have signified to you the Sense his Majesty's Council Entertain of the Nature of your Proceedings, and the Requisition I Point out, by their Advice, for your future Conduct.

I am to assure you, willing as I am to Listen to the Voice of Distress, the just Complaints of his Majesty's Subjects, and the Hardships they may groan under, that I shall give his Majesty's Attorney-General Orders to prosecute every Officer who has been guilty of Extortion or illegal Practices in his Office, upon any Application or Information lodged with him by the Parties [29] injured, or any others who shall be authorized to Prosecute on their Behalf. As also, set up a Proclamation on my Arrival at Hillsborough, forbidding all such dishonourable and illegal Proceedings.

You may further depend upon it, I shall, at all times, endeavour to redress every other Grievance in my Power, that his Majesty's Subjects may labour under.

As you want to be satisfied what is the Amount of the Tax for the Publick Service for 1767, I am to inform you, it is Seven Shillings a Taxable, besides the County and Parish Taxes, the Particulars of which I will give to Mr. Hunter.

I have only to add, I shall be up at Hillsborough the Beginning of next Month. In the mean Time I rest in full Confidence I shall again be made happy by seeing Industry prevailing over Faction, and Peace and Harmony triumphing over Jealousies and Murmuring, in a Soil and Climate the most fertile in the World, and among a people, who, by a well directed Industry, may draw down Blessings and prosperity to their Families, and greatly contribute to the Honour of his Majesty's Government, and the Happiness of my Administration.

WILLIAM TRYON.

At the Council-Chamber,

Brunswick, the 21st of

June, 1768.

Now to give some clear Ideas in what Light we received this Answer, and in what condition we felt ourselves to be in, it is necessary to Inform you the Bottom of our Jealousies, and the Method we intended to Prosecute for Redress.

Our Jealousies were not only against the Officers of our own County, which our Papers are confined to, but in our Converse and Enquiry, by the best Calculations we could make, and by several Hints and Reports, we had Reason to believe we had already paid *Twenty or Thirty Thousand Pounds* over what would sink the Emissions of our Paper Currency. And by Accounts we had still [30] afloat *Sixty Thousand Pounds*; so that either our Assembly had been deficient in Burning it, or the Treasurers in Accounting; or else our Sheriffs in Paying the Treasurers: Otherwise some Counties must be vastly in Arrears.

As for our own County, we knew it had Paid to the full.—— We were of Opinion there was not one Hundred Insolvents a Year in our County out of from three to four Thousand.——But to Question the Assembly or Treasures, our Officers took care to chide Us for, and hinted, that it would be even criminal to Suppose such a Thing, for they were men of such Credit, and such a Body, as, were they Guilty, more than one must be Combined; and such a Thing

Could not be supposed.——Well, we could not help thinking: So we intended, that if our own Representatives would help us, and we could get a Settlement of our own Officers, and if the Deficiency did not lay there, to proceed and lay the same before the Assembly, and have the Treasurers Accounts Examined. And if our Assembly-men refused to join with us, then to Petition for new Elections, &c.

Now, by the Time we got this Answer, we found by the Journals of the House, that the Publick Accounts were really unsettled; by a Motion from the Governor to them on that Head; and now we were yet more alarmed, for as we Understood the Motion, he hinted, though in a delicate soft Manner, to have that Authority vested in the Governor.

Well, the more that we discovered Things out of order, we were sensible the stronger we should be opposed; and we not only found by this Answer that the Governor inclined to the other Side, multiplying all our Faults to the highest Pitch he was capable of; and with as great an Extream Painting the other Side;——and without meeting together, which he strictly forbid, and conferring together, we could make no Hand either in [31] Carrying Elections, or Representing our Grievances. Our Hands were fast tied from any Relief but the Law, and in that Way had also excused himself from Protecting or Helping us, any farther than to Order the Attorney to set up a Proclamation.

Well, under this Difficulty we stood still, and soon saw the Proclamation had no Effect at all, for the Register, or his Clerk, raised in their Fees Four-pence or Eight-pence; upon which all Hopes of the Law vanished, and every Channel and Passage of Redress was stopped and shut up.——However, after some time, as we thought, the Governor would expect some Return to his Letter, and this we could not Effect without breaking his Orders, so we appointed a Meeting to agree upon an Answer; and at the Meeting received the following Letter from the Governor, *viz.*

¹⁷ GENTLEMEN,

“In strict Conformity to the Promise I made you in my Letter dated from the Council-Chamber, at *Brunswick*, I issued a Proclamation on my Arrival at *Hillsborough*, a Copy of which I herewith transmit to you.

¹⁷ *Colonial Records*, Vol. VII, p. 801.

"I also gave Mr. Attorney-General Orders to Prosecute at Law all Public Officers in your County for Abuses in their Offices, on Application made to him by or in behalf of the Parties injured.

"It is now therefore by my Advice and Consent, that Mr. *Tyree Harris* wait on you to Proceed in the Collection of the Publick County and Parochial Taxes of *Orange* County for the Year 1767.

"I have the fullest Confidence that you will, agreeable to the Direction of the above mentioned Letter to you, and in Justice to the Principles of your Engagement to abide my Decision in Council, make it a Matter of Honour and Conscience among yourselves, that Mr. *Harris* and Depu[32]ties shall not meet with any Interruption in so essential and an immediately necessary a Discharge of his Duty, in Obedience to the Laws of this Country.

WILLIAM TRYON."

Hilsborough, August 1st,
1768.

Harris asked for his Levy,———and we told him, we had agreed to lay the Case before the Assembly and the Whole of the Council before we chose to Pay; and Nobody offered him the least Insult.

We agreed upon an answer to the Governor's first Letter, and ordered two Men to deliver it to him, which they did the 5th of *August*; but we have lost the Copy.¹⁸ However, the Purport of it may be seen by the Governor's Answer.

But on *Harris's* Return, the Governor's Officers were out raising the Militia round the Town. And the Militia kept sending Messengers to us, one after another by Night and by Day, what Orders they had received, which was to meet such a Day, which was in a few Days, and to bring three Days Provision and nine Charges of Ammunition. These Alarms run Night and Day, and caused Multitudes of People to gather together, who chose out eight Men, and sent them to the Governor.——The men Returned with the following Answer, *Viz.*

"IN the first Place, the Governor Declares, that he never had an Intention to bring down *Indians*, nor of Raising the Militia, in Order to break in upon any Settlement, as has been falsely Represented; and that he again repeats his firm Resolution to do Justice to the People

¹⁸ The answer referred to may be found in *Colonial Records*, Vol. VII, pp. 801-803.

in every Thing wherein they have been injured, as far as is in his Power.

"In the next Place, Colonel *Fanning* agrees, that the Dispute between him and the People shall be Settled at the next Supream Court; that if the [33] Chief Justice and his Associates give Judgment against him on the Trial of Mr. *John Lowes*, or any other Deed, he is willing and shall refund the full Sum, over his Lawful Fees, which he has taken, to every Man who shall apply to him, bringing his Deed along with him; and that they shall pay no cost.

"In the next Place, Mr. *Nash* agrees to the same Thing, with Respect to his Clerk's Fees, as he has already wrote to the Regulators.

"In the last Place, the Accounts of the Sheriffs, with the Vestry and the Court, for the Parish and County Tax, have been Examined, and approved; and when a Settlement is made for the Insolvents, the full State, in the Same Manner, shall be Pasted up in the Court-House.

"The Governor will give no Directions for the Sheriff to Proceed in his Collection till after the Supream Court."

At the same Time he appointed the Regulators to meet on the 17th Day of *August*, at *George Sally's*, when the Sheriffs were to attend with their Settlement, and give Satisfaction to the Publick on the said 17th of *August*.

We met, but none of the past Sheriffs came. *John Lea*, the new Sheriff came, and brought a Letter from the Governor, *Viz.*

August 13th, 1768.

¹⁹ GENTLEMEN,

"I had every reasonable Hope that my Letter to you from the Council-Chamber, the 21st of *June*, would have given you not only the most Cordial Satisfaction, but have Prompted you with the most ardent Zeal to have immediately subscribed to every Direction contained therein, conformable to the declared Resolution in your Address to me.

"It is with a sincere Regret I at this Time reflect on the Disobedient and Ungrateful Return [34] you have made me, both by your Disregard to every Part of my Direction in the above mentioned Letter, and your Refusal to pay your Publick Levies to Mr. *Harris*,

¹⁹ *Colonial Records*, Vol. VIII, 804-810.

late Sheriffs, who demanded them of you on the 2d of this Month, at a General Meeting, in Virtue of his legal Powers, and in Compliance with the Letter I sent you by him, urging the immediate Payment thereof.

“The Candor with which I treated the rash and precipitate Steps of your past Conduct, and the just Means and effectual Measures I Pointed out for Removing the Causes of complaint, would have given ample Satisfaction to every Man who Petitioned me with an Intention to be satisfied with Justice.

“By your Letter delivered me the 5th Instant, by Messrs. *Low* and *Hunter*, I have the Mortification to find every Lenient Measure of mine has been Perverted, and the friendly Aid I offered to correct the Abuses in Publick Officers, which it was my Duty to Tender, considered by you as Insufficient.

“The Force of the Proclamation was to Caution Publick Officers against, and prevent as much as possible Extortion. It is the Province of the Courts of Law to judge and Punish the Extortioner. The Dissatisfaction also you express, that your Address and Papers were not laid before the whole Council is equally groundless, with your Declarations of the Insufficiency of the Proclamation.

“By his Majesty’s Commission and Instruction, three Counsellors make a Board; and with five Members Business may be transacted of the highest Dignity.——Whereas six Gentlemen of the Council were present when your Address and Papers were laid before that Board.

“The Resolutions you have taken to Petition the Legislative Body is extreamly agreeable to me; [35] my Services on that Occasion shall not be wanting to redress any real Grievances.*

* *This far relates to our Letter,²⁰ which Copy we have Lost; but the Purport, as I hinted before, may be gathered from the Answer, and what I will now Observe; that is we did not complain that there was not a sufficient Number to do Business, that our thanks would been more had he called the whole Council; and we not only thought so, but likewise both thought and expected he would have called the Assembly on the Occasion. Which we now recommended, in order to strengthen him to help us.*

“It is necessary I should now inform you, in Humanity to your misguided Passion, and in Justice to the Integrity of my Intentions,

²⁰ The letter referred to as lost is probably that in *Colonial Records*, Vol. VII, p. 801.

that you are Pursuing Measures highly Criminal and Illegal; and it is a Circumstance of real Affliction to me, since I consider you as acting upon Principles no less Void of Faith and Honour than inconsistent with every Moral and Religious Duty.

"You have given Occasion to every Man of Property and Probity, by the open unreserved Menaces you have thrown out against the Lives and Properties of many of the Inhabitants of this County, to look on your Designs as bent rather upon destroying the Peace of this Government, and the Security of its Inhabitants, than a Wish or Intention to wait for any Legal Process against those you imagine have Abused their Publick Trusts.

"Upon these alarming Prospects, I esteem it my Duty to provide for the Safety of the Government, and to take Care that the Publick Receive no Damage; to prevent therefore as much as possible the heavy Expense that must accrue to the Province by Providing against the Insults that are intended to be offered to his Majesty's Superior Court of Justice, I am Peremptorily to require on your Part, that at least twelve of your Principals, and those of the first Property, wait upon me at *Sa[36]lisbury*, on *Thursday* the 25th of this Month, and there in my Presence Execute a Bond in the Sum of *One Thousand Pounds*, as a Security that no Rescue shall be made of *William Butler* and *Hermon Husband* at the Superior Court at *Hillsborough*, they being under Recognizance then to appear and take their Trials.

WILLIAM TRYON."

We sent him the following Answer, *viz.*²¹

August 19th, 1768.

May it Please your Excellency,

We received your Letter by the Hand of Mr. *Lea*, at the only Time that ever our Officers shewed any real Intentions of informing us to what Uses our Money is applied, and at a Time when we had Hopes and were perswaded Matters were likely to be settled to the Peace and Satisfaction of the Publick.

But finding by your Letter, that your Excellency is displeased, and Charges us with Breach of Honour, and that we have Given Occasion to be looked on as rather bent upon Destroying the Peace of this Government than to Wait for Justice.

²¹ This answer is in the *Colonial Records*, Vol. VII, p. 810.

At all which we are truly Effected with Sorrow, and Concern at the Thoughts of any Difference arising between your Excellency and us, and that (as through false Reports and Alarms, the Commonalty, under Oppression, have been incensed, and Occasion given) we determine to use our utmost Endeavors to guard against such Offences for the future.

Amidst our Sorrow, we are rejoiced in this, to find that your Excellency is agreeable to our Resolutions to Petition the Legislative Body, which is Generally agreed on.

As to the Demand for Security, not to Rescue the Prisoners, we beg that it may be considered, that the Alarms or Raising Men and Indians to Cut off the Inhabitants of this County [37] as Rebels, when they knew in their Hearts and Consciences they were guilty of no other Crime but Endeavoring to obtain Justice and Detect Fraudulent Practices in the Officers, which has been so Common in this Province, that it is mentioned in Many Acts of Assembly made to Remedy the same; which Constantly prove unsuccessful, and we Conceive Ever will be so,——until the Publick is Encouraged to assist and help by Complaining and Producing Matters of Fact against the Particulars.——Now these Alarms were thought by the most Considerate to be without good Grounds,——and such interposed, moderated and Pacified the Whole;——and those, it is likely, may be looked on as the Principals or Leading men.——And such as these will ever use the same Care, and will, no Doubt, be always able to govern the Multitude by Reason;——And yet, not one of them would be willing to enter into Bonds, for the Noise of such a Step would be likely to hinder their Influence.

Moreover, there never was any intent to Rescue the Prisoners, but to beg the Governor to Dissolve the Assembly: And so far as we know the Minds of the People in general, this one Step alone would at once Stop every Mouth and every Complaint, but what would go through, and by way of such Representatives as should then be Chosen.

As the Governor may observe by the Detail of all our Proceedings, that it was the Representatives Refusing us a Conference, and threatening us for Requesting one, and frightening and Detering us from

Petitioning for Redress, that first gave Occasion for Disorder;——— therefore, as the Stopping the free Passage of this Channel for Relief has Occasioned the Obstruction of good Or[38]der, so the Opening of which Passage will as assuredly Restore it again.

Signed, in Behalf of the Regulators, by

JAMES HUNTER,
PETER JULIAN,
THOMAS WELBURN.

If it was false before, that the Governor did not Attempt to Raise the Militia, it was true now; for finding he could not trust the Militia of our County, he try'd all over the Province; and with what Pains, and false Representations of us is best known to the Inhabitants every where among whom he applied.———It was said, he Represented us as a Faction of *Quakers* and *Baptists*, who aimed to upset the *Church of England*, &c.

This Caused Us to View ourselves, when we found our Body to consist Promiscuously of all Sects, and the Men who we put most trust in were of the Church of England Communion. In short, every honest Man who was not deterred by Fear and Cowardice was on our Side. The formality of Subscribing Articles or Swearing had never been in Use since the Governor's Secretary met us; and to prevent Mobs and Riots was our Chief Study, as they were the only Thing that we feared our Enemies could get an Advantage against us in, and what we believe they Endeavored to Drive the Populace to.

All this Preparation of the Governor's put us to it for a while to Rule the Inconsiderate, they looking on it, as the Governor Chose the Sword, that they were at Liberty to Defend themselves; and the Prisoners, they were afraid to trust to a Trial, lest they might Hang them by an Arbitrary Power,———So it was at length agreed the Prisoners should not appear, and every Man to be left at his Liberty to go to the Court as well armed or not as he Pleased; but not to use [39] them nor offer the Least Insult, unless an Attempt was made to Massacre us; and that if they could not offer such Terms as the Governor and Country could come to an Agreement in Peace, to return home, and leave the Governor to fight the Air.

We had very little good Opinion of the Governor now; for when the Secretary agreed we should Petition the Governor, and we had Advertised it, and for them who had material Grievances to get them Attested before a Magistrate, yet the Officers, when they found their Mistake, as I mentioned before, soon scared all the Magistrates but one, that they would give no Person his Qualification. And though, when *Hunter* mentioned this in the Council, at *Brunswick*, the Reply was, that it was a weak Thing in them to act so; yet this one who had served us was now so talked to by the Governor himself, that he refused also.

The Governor soon found he could not trust the Militia, they were so generally Attached to our Side.——So he Swore every Man with an odd Kind of an Oath;—and in many Places the Inhabitants, being so alarmed, took our Method, and Assembled themselves together to Consult one another what to do; and some put their Resolutions in Writing, *viz.*

Orange County, August the 19th, 1768.

“The critical Affairs in Public has caused us to meet to consult what is our Duty.——We have been warned to go against a Set of People called Regulators, under the Term of being Enemies. But we look on them as loyal Subjects, Acting for the Good of our Country.——Until they are Proved Enemies, we don’t think it our Duty to go against them.——We hear a Rumour of being fined for not appearing against these our Brethren and Neighbours, which we desire to Ap[40]pose until it Can be made appear it is our Duty——and their Articles are proved contrary to Law.——And we design to Apply to his Excellency, our Governor, to hear our Grievances in Case we are fined.”

By the Date and Purport of this Paper, it looks as though there had been Truth in these Alarms mentioned in our last Letter, Dated this same Day, which we have therein allowed to have been false.——I never observed this before I was Preparing it for the Press.

Morris Moore,²² one of our Associate Judges, having Encouraged the Regulators to stand firm to the Cause, in a Manner I suppose every honest Man in the Province would have desired to have done if they were not frightened out of it, as was attempted on *Moore*, as may be seen by his Letter to Colonel *Fanning*.

²² For Maurice Moore, see Introduction to No. V of this collection, p. 159.

Spring-field, August, the 12th, 1768.

To Colonel EDMOND FANING.

Dear Sir,

“As much as I hate Writing, I am determined to Scratch this Side down, with a bad Pen and worse Ink, on the Subject of the Insurrection in your County, which I am Sorry to hear has grown formidable, and much more so that it is ascribed to me as its Author and Encourager.

“I have been Calumniated before now, but never So Capitally as in this Case.

“I assure you it gives me much Concern, in Spight of the Consolation a clear Conscience affords me.

“I never knew or even saw, as I know of in all my Life, any Man or Men concerned in this unlucky Affair, except *Hunter* and *Howell*; [41] and I made you fully acquainted with the Advice I gave them: But I shall say no more on this Head. I have blackned my Page, and must conclude my Letter with assuring you, I Esteem you, and am,

Your most Obedient, &c.

M. MOORE.

On the first Day of the Supream Court, which was at *Hillsborough*, on the 22d Day of *September*, 1768, we appeared about Three Thousand Seven Hundred, and took up about half a Mile from the Town, and sent our Proposals to the Governor; which was, That if he would let us peaceably come into Town to Complain of our Officers, and Pardon all past Breaches of the Peace, (except the two under Bail, who would Stand their Trials) we would Pay our Levies as Usual, &c.

Now we knew of no other Concession he could want of Us.—But the next Day he sent his Answer, That every Man must give up his Gun in Pledge, till the Prisoners were tried; upon which we immediately returned, except about thirty, who carried him their Guns.

As to the Proceedings of the Court, we being debarred from being there, can give you no better Information than that one of the Prisoners drew up in Vindication of his own Case.—Only we may add that a whole Troop of Bomb Sheriffs came after us next Day to take such as they had Orders for back; and where they meet with

quiet peaceable Men, they went along, but some of a contrary Disposition used some of them very rough. All those who went along, the Bills were all found *Ignoramus*.

The case of *Hermon Husband*, Prisoner, aforesaid, is as follows:

On the second Day of May, a little after Sun[42]rise, ten or a dozen Men, armed with Guns and Pistols, entered the back Door of my House;—and *Thomas Hart*, took hold of me, and said, You are the King's prisoner.

I asked, upon what Account.——He said, on Suspicion of having a Hand in the Mob.

They hurried me off, without letting my Wife fetch me some money; when I called to her for Some;——In about two Miles they come up to where Colonel *Faning*, was waiting for them.——He asked me, flutteringly, and with visible Confusion, Why I did not come to see him in so long a time.——I told him I new no call I had.——He said, Well, you'll come along now.——I said, I suppose I must.——He said, ay; well,——and set off to Town, where *William Buttler* and I were put into a Fort, mounted with two Swivel Guns, under a strong Guard; and after some Hours took me out before *Thomas Loyd*, who read a Paper of some Body having informed, there was cause of Suspicion, that I had a Hand in the mob.

I told him I had not.——Then he Swore Colonel *Faning*, who said, he formerly had received a Paper, summoning him to appear at a Mill, and he thought it was my Hand;——And he had received papers from the Mob, which referred to that Paper.

Then *John Hogen* was swore;——who said, I had confessed I had been at some Meetings of the Mob.

Thomas Loyd then order me to Prison; and *William Buttler* was put in with me, where we lay till about Midnight, when we were taken out, and tied Hand and Foot; and many telling us we would be hanged, *Buttler* especially, if I escaped.——It came into my Mind, that if I made Colonel *Faning* some Promises he would let me go.——So, on my Motion, he was sent for, who signified to me he had been asleep, and was cal[43]led and told I wanted to see him, and he had come to see what I wanted with him.

Says I, if I may go Home, I will promise not concern myself any more whether you take too large Fees or not, &c.——It took with

him; and, after humming a little, he repeated over what I must promise; which, as near as I can remember, was to this Effect:

"You promise never to give your Opinion of the Laws,——nor frequent assembling yourself among People——nor shew any Jealousies of the Officers taking extortionary Fees;——and if you hear any others speaking disrespectfully, or hinting any Jealousies of that Nature, of Officers, that you will reprove and caution them; and that you will tell the People you are satisfied all the Taxes are agreeable to Law,——and do every Thing in your Power to moderate and pacify them."

All which I promised, with a particular Exception, that when any Election was on Hand, I reserved Liberty to assemble myself among People, and to have Liberty to converse:——And to this he said, To be sure.

This was so barefac'd, that as there was twenty or thirty of the Country People to guard us, I looked every Minute to see them cry out, and release us.*

** I was not so much mistaken here in the People as I was afterwards informed; for they had Messengers coming and going all Night, carrying Intelligence to the Country below Town, who were gathering in Companies on every Part of the Road to watch their Motions; for there were People below Town who had been led into the Secret of their Designs, which was absolutely to Hang two or three of us, at all Events, to scare the Rest.——And these Plans were laid down below, and these Orders sent up for our Officers to bring down two or three of us. They had attempted this same Thing be[44]fore, while Fanning was below in a more formidable Manner; for they had ordered several Captains below Town to have Companies under them on the Road at several Stages, and appointed a Muster above Town; at which Muster they were to pick out such a Number as were suitable, and go and take two or three, and with all Speed convey them below Town, and deliver them to these fresh Companies staged there, to prevent being overtaken. Nothing but the Baseness of their Design could have given them such Suspicions of being followed.——However, some cute Fellow, at the Muster above Town, raised a Report, that Three Hundred Regulators were seen to cross Haw-River that Morning; and the Companies, Officers and all, each took his own Road, and made the best of their way Home.*

[44] But Fanning went and walked to and fro a few Minutes by himself; then came to us, and said, we must enter into Bail:——So some of themselves bailed me; and took me for Buttler's Bail.——But they had exceeding hard Work before Buttler would consent;——when they told him very seriously, that if he went to Newbern he actually would be hanged.——He paused a while, and said,

I have but one Life, and I freely can give that up for this Cause; for, God above knows, our Cause is just. And he did not consent at last till *Faning* promised to clear him at the Court, without Cost.

It was now Day-break, and about Sun-rise we got the Recognizances done, and was hurried away to stop the People from coming after us.

Now when the Governor and Country fell out, and he got to inlisting and swearing Men,—and *Morris Moore's* Letter was handed about to shew he was scar'd, I concluded to sell my Land, and raise Money to clear my Bail, and to leave the Province; for I was now left alone; the Regulators, some of them insulted me, that if I did not join now, they would let the Governor do as he pleased with me.

[45] I was for my Safety obliged to abscond from them as well as the Governor, and took the Woods for two Weeks, and had got fifteen Miles from my Habitation, and had sent for my Horse, Clothes and Money, to set off in a Day or two.——This Messenger, luckily for the Province, met *John Wilcocks* at my House;——and my Wife ventured to inform him where he might see me.—He gave me Encouragement to stand Trial, by assuring me, a great Number of good honest Gentlemen was coming up to see that Justice should be done; and among the rest a Lawyer.

Wilcocks left me at *John Pyle's*, while he and *Pyle* went to Town to see if the Lawyer, or any of them had come: But *Faning* could tell them the Lawyer was not acoming; and ordered him and *Pyle* out of Town.

Upon this, *Wilcocks* was almost outdone; but engaged me to stay till he rid down to Cross-creek to meet or hear what had become of them.——He never returned till the Night before Court, and heard nothing of his Lawyer, or Friends; but by fair Promises from some of the Council and head Officers, and the King's Attorney, that I should get Justice, he would have me venture; and had Orders from the Attorney-General for me not to come in to Town, but to stay among the Regulators till he came out to us.

After the Attorney general had come out, the Regulators would not let me go into Town, unless every Body had Liberty to go, as usual in all courts;——and *Wilcocks* being discouraged, consented to let me go off; and when it was dark he accompanied me some of the Way, but as soon as we got from among the Croud, he rid on before very silent some time, and claped his hand on his thigh, and cries out

aloud, The Lord have Mercy on me, the whole Province is undone! good God;—that ever I was born!

This, and the like, he repeated several Times after Intervals of Silence.

[46] I waited to hear if he would reflect any thing on me; but when I found he did not, and being convinced his Sight of the advantage my going away would give our Enemies, I consulted in myself what to do: I had no Point to determine, but whether to risk my Life or not; here was the Ruin of the Province for certain put in one Scale, a Risk of losing my Life by false Arbitrary Proceedings in the other; and the Safety of the Privileges and the Liberties of the People soon outweighed:——So I rid up a little nearer to *Wilcocks*, and waited till he gave another Cry to lament the Case; then I asked him, if he was of Mind I had best stand Trial yet;——he says, Yes, and I will go with you and stand by you to the last;——which I sincerely believe he was confident at that Time to perform, as *Peter* ever was. And I also confided in him that I had one Friend.

But now again, after we took up Camp, and spent great Part of the night in telling him how they had Carried on Matters, and he viewing, I suppose, what he had seen, got a Sight that a Snare was laid for my Life, which he put to me, to let him know if I had any Apprehension that way, that he would by no Means be the Cause of perswading me into any Danger of that kind.

I told him not to say a Word on that Head, for my resolutions was fixed, and had I more than one Life to loose they were unalterable.

When we came into Town next Morning, before an Hour, I clearly discovered by *Wilcocks's* countenance, that he was scared;——but Death nor nothing else could alter my Resolutions to stand the Test: And *Wilcocks* made a Motion to me to see a Lawyer. And when I went to them, in this Condition, for though my Senses remained good, yet Property felt to me of no value; for, (it is a very true Saying, That all a Man has he [47] will give for his Life) they soon got all the Money I had, and Bonds and Notes for 150£. more.

But when *Wilcocks* came to know I had given so much, he called me Fool; and seemed grieved;——from which I was in hopes he had got over his Fright.

But the Next Morning I received the following Letter from him, by the Hand of a ragged Boy whom I knew not, *viz.*

To Mr. HUSBAND

Sep. 23d, at Mr. Cate's.

SIR,

I HAVE been ordered out of Town, under Pretence of being concerned with the Regulators, which probably may surprise you again; but I hope you will take Resolution, and not be scared by our Enemy, which is their only Scheme to defeat us; but you may depend I shall send Somebody in to be your Security, in Case a Bill should be found against you.

Sir, Your sincere Friend and humble Servant,

JOHN WILCOCKS.

Now I had not one Friend left; and I rid some Miles out into the Country, to get some word sent to my own neighbourhood, if possible, to get some of them to come and be Evidences for me, as well as to prosecute Officers, for I equally saw our Cause lost if we did not make Something appear this court against them.

There I met with another Letter from *Wilcocks*, to the Attorney-General, by which I found I need look for no help from that Quarter; for any Trust that he put in Attorney-General I was [48] now perswaded would fail. The Letter was at follows.

September, 1768.

To Mr. M'GUIRE, Attorney-General.

SIR,

This serves to inform you, there was Occasion for my leaving Town in a few Minutes Warning.—I must think I am very ill rewarded for all the Fatigue and Care, with the Risk of my Life and Estate, in order and for no other End but to accommodate so dangerous a Dispute.

As I had no other Occasion to be Security for *Husband* but to prevent Mischief, you, with the Court, cannot be unacquainted with my Industry in the Matter, and of their Encouragement to me for that Purpose, which I faithfully acted, as far as capable: However Envy and Malice may represent me to the Governor or Court, I am ready to answer for when called on. That you wont let me suffer for my good Intent,—and encourage *Husband* to stand his Ground

till I am released of his Security; and if he is found guilty, that Security may be found for him till Trial.

Sir, Your humble Servant,

JOHN WILCOCKS.

It was on a *Sunday* that I got this Letter, having as I said rid out some Miles to send to my own Neighbourhood, but was obliged to get a Pass before I could get out of Town. I could not even walk the Streets about the Court-House without being Insulted at every Turn. The Soldiers thrusting their Bayonets at me within a few inches of my Body, and draging me once into a Publick-House, setting me upon a Table, and surrounding me with a Ring, made Sport [49] of me, which after half or quarter of an Hour at least, I observed *John Ash*, who was the Commanding Officer, reach forth his Hand to push some of them from me, and says, Hold, don't carry the joke too far.

I caught hold of his Sleeve, and when he looked on me, I asked him if I was at liberty.——Says he, You have been under no Confinement. Then I pushed my Way through them; and to help Mr. *Ash's* Memory, as I hear he denies this, he came to me in the Street, and asked me, why I had asked him if I was at Liberty.——Because, says I, *John Wilcocks* had told me thou was the Commanding Officer.

The Pass was as follows, *viz.*

SIR,

Permit Mr. *Hermon Husband* to pass your Guard and Centinels. I am,

Sir, your most humble Servant,

THOMAS LOYD, *Major-General.*

To the Officer of the
Guard, at the West
End of *Hilsborough*,
Saturday Noon.

The following is the Qualification of *Peter Savory*, who at this Campaign bore the Title of Captain *Savory*, for I had observed him to Look at some of the Soldiers.

His Evidence is as follows, *viz.*

Orange Coun- This Day came *Peter Savory* before me, and made
ty, ss. Oath, That at last *September* Superior Court he
 [50] saw several young Men a pushing their Bayonets towards *Her-*
mon Husband, but did not know them to touch him. Certified under
 my Hand, this 25th Day of *March*, 1769.

JOHN PRYOR.

On *Mondy* Morning two or three of my Neighbours had come; and as soon as Court sat, Colonel *Faning* accused me of Crimes committed since I had entered into the Recognizances, and signified they were of so high a Nature as concerned my Life.

Hereupon I was committed to Prison.—And the first Salutation I received from the Prisoners, was their Pointing to a Gallows, erected between two Joyces of the Prison, right over the middle of the Floor; and the Prison was new built, of a higher Pitch than usual, and fortified round.

Here were nine or ten Prisoners, Most on account of the Regulation, and the Prison so little, that we could not all lay down at once. The Remembrance of what I had read of Inquisitions, East-India Imprisonments, &c. was now very fresh in my Mind.

At Night *William Butler* and me were sent for; and there were some men procured to be our Bail;——but when I got out I found my Neighbours and Evidences were all gone. If property was of no Value to me before, it was less now. I looked on myself as a Captive among Enemy Indians, Nabobs, or Lord Inquisitors. I try'd the Lawyers, whether they were fond of greater Obligations; and, as I hinted before, my Senses was good enough; and I remembered the story of the Beaver, that when he was chased for his Stones, cut them out, and threw them away. So I gave them what Notes or Bonds they pleased to write; for I never read or examined a Word in them.

At next Superior Court, before my Trial came on, these Obligations were demanded of me; but [51] I denied Payment of them, as I looked on them to be of no Force; and the Lawyers urged Honour in the Case.

Upon which I told them to quit the Obligations, and I would pay them as much as I could do with Honour, and without being laughed at for a Fool.

However, they have sued for the Obligations;——and for the Information of the Publick, and all Concerned for Justice, I would inform them, That our Law, by Chap. IV. in Section the 2d of Volume 1st, Page 111, allows an Attorney Thirty Shillings for a Suit in the General Court, and Fifteen Shillings in the County Court; which, as by the Preamble to the said Law may be seen, was thought sufficient to compensate an Attorney for his Trouble for prosecuting or defending any Suit or Cause in any of the said Courts in this Province.

And in Page the 10th of Volume the 3d, in 44th Section, a Lawyer's Fee is declared to be Thirty Shillings in the Superior Court; and in the Fee Bill, Attorney-General's Fee is to be in common Suits the same as another Attorney, which implies other Attornies Fees were ascertained. Neither are they authorized by any Law to take more; nor is there any other larger Fees any where established.

And by the Law, in Page 140, Section 11 any Person or Persons whatsoever are debarred from creating, making, demanding or receiving any other Fees than such, as shall be established by the Governor, Council and General-Assembly.

Here is no Exception made of Lawyers.——The Lawyers will attempt to urge, that any Tradesman has a Liberty to make a Bargain, and set a Price on his own Work, according as he does his Work;——for, say they, if we must be confined to the lawful Fee, we will do no more for that Fee than the Law obliges us to do.

To the first I say, No Tradesman could be at such Liberty were there the same Laws prohibiting [52] them, and setting Bounds to the Prices of their Work as there is to Lawyers Fees.——Neither is there the same Reason to set Bounds to the one as there is to the other;——for if one Man will have Finery and Superfluity on a Piece of work, and pay a high Price for it, this does not oblige his Neighbour to do so too. Whereas by giving a larger Fee to a Lawyer than is sufficient to compensate him, taking one Action with another, for his Trouble and Expence in prosecuting or defending any Suit or Cause, so far as is necessary and just, so far the Law obliges him to; (in Answer to the last Part of the Objection.) I

say, by one Man's giving more, it is attended with this Evil; such Attorney can afford and will study so much Sophistry and false Arguments and Glosses, that will blind Influence and confuse the Jury, as makes it necessary for the other honest Man to run to the same Expence, just to unravel and undo the false unnecessary Work the other has done; and in all this Cost and Expence (which is not only their Fees) there is not the least Benefit; nor is it in the least conducive to come at Truth and Justice, but quite contrarily renders it obscure and Dark: And at best, where the Parties are equally yoked, it makes the same Justice costly and hard to be come at, and serves to encrease an unnecessary Number of Men, as Lawyers, who might be useful Members of Society in following other necessary Business. And this Evil has always been foreseen by all Legislative Bodies, who have bounded their Fees by the Laws.—But Man's Ambition, who are contentious one against another, has prompted them to such a willing Compliance to the Layer's Avarice, in Violation of those Laws, that in this Province, and perhaps all others, this Evil has grown so, that it Affects the peaceable honest Man so much, that the Lawyers has become the greatest Burden and Bane of Society that we have to struggle under; which Instances are so numerous, it would be tedious to mention more than a few Instances.

First, they have by these unlawful Means been impowered to calculate the Laws to suit their Purposes; and where a contentious Fellow owes an honest Man a just Debt, we will suppose it but Five Pounds, a Lawyer will have Thirty Shillings for this Cause in the County Court, and Five Pounds in the Superior if he appeals; where, if the honest Man gains his Action, he recovers Seven Pounds Five Shillings; and is Six Pounds Ten Shillings out of Pocket, and so recovers just Fifteen Shillings for his Five Pounds.

And where an honest Man is indicted by a Rogue, he must pay a Lawyer at least Five Pounds; and if he is acquitted or not, the Cost, besides Five Pounds, is the least they will look at now a-Days; and this every Year growing higher Ten Pounds, and Fifty Pounds in difficult Cases. And if a Lawyer may extort of me Five Pounds, why not Three Hundred or Five Hundred?—as in my own Case, for I was acquitted, as will be seen hereafter.

When a Man is guilty of a Crime, and pays dear for it, he has a Remedy wherewith to guard himself for the future, that is, to take

Care and not be guilty a second Time; but an honest Man has no Refuge, but is liable to the same Cost every Year.

If a Man owes me a Debt of Twenty Pounds, I am sure to be three Pounds Ten Shillings out of Pocket; for no Lawyer will touch my Cause for less than Five Pounds; and I can recover but Thirty Shillings:———And many Times they ask Ten Pounds; and why not in Time grow as generally to Ten.

Now is it not strange what Custom will do; it is a second Nature, as it is justly called.———For in this Case the Lawyers have practiced taking Extortionary Fees so long, without being punished, either by the Penal Laws or Indictments, both which they are liable to; that they now are har[54]dy enough to attempt to recover extortionary Fees by the Law.

I hope the Province will not be long so grossly blinded; suppose I suffer now through the Stupidity which Custom has blinded us with.

The following is a Copy, off the Docket, relating to the Indictments at this Court against the Principal Persons, one on each Side, *viz.*

North-Carolina, Hilsborough District. } At a Superior Court of Justice, began and held for the District of Hilsborough, at the Court-house in the Town of Hilsborough, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN EDWARDS, Esquire, Chief Justice, and MAURICE MOORE and RICHARD HENDERSON, Esquires, His Majesty's Associates, &c.

The King agst. <i>Hermon Husband.</i>	}	Indictment for a Rout.	}	Ignoramus.
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<i>Edmond Fanning,</i> <i>George Henry,</i> <i>John Butler,</i> <i>John Lea,</i> <i>Zach. Rogers,</i>	}	Witnesses.
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Same	}	Indictment	}	Ignoramus.
agst.		for		
Same.		a Rout		

<i>William Holmes,</i>	}	Witnesses.
<i>George Henry,</i>		

[55] Same	}	Indictment	}	Ignoramus.
agst.		for		
Same.		a Rout.		

Same Witnesses.

Same	}	Indictment	}	A true Bill.
agst.		for		
Same.		a Rout.		

Same Witnesses.

And the Defendant, by his Attorney, comes and defends the Force and Injury, when and where, &c. and saith, that he is not Guilty in Manner and Form as the Plaintiff against him hath declared; and of this he puts himself upon God and the Country: Therefore let a Jury come, agreeable to Act of Assembly, to Recognize, &c.

The same Day came the Defendant by his Attorney; whereupon came also a Jury, viz. J—— M——, B—— W——, J—— K——, M—— R——, A—— H——, A—— W——, W—— D——, R—— K——, G—— R——, J—— B——, J—— M——, and R—— W——,²³ who being elected, try'd and sworn the Truth to speak, upon the Issue joined, upon their Oaths do say, That the Defendant is not Guilty in Manner and Form set forth in the Indictment.——Therefore it is the Opinion of the Court that the Defendant be discharged by Proclamation, &c.

True Copy.—Test.

J. WATSON, Clerk.

[56] <i>North-Carolina, Hilsbo-</i>	}	At a Superior Court of Justice,
<i>rough District.</i>		

began and held for the District of

²³ Since the MSS. records of this case are lost, the names of the jurymen can not be supplied.

Hilsborough, at the Court-house in Hilsborough Town, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN HOWARD, Esquire, Chief Justice, MAURICE MOORE, and RICHARD HENDERSON, Esquires, His Majesty's Associates.

The King agst. <i>Edmond Fanning.</i>	}	Indictment for Extor.	}	Pleads not Guilty.
				{ Jury impannel- ed and sworn, find the Defen- dant Guilty: Fined <i>One Pen- ny</i> , and Costs.

Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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[57] Same agst. Same.	}	Indictment for Extor.	}	Aute fau Convict.
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There are many more, but these may suffice, &c.

William Butler and two others were tried, and found guilty, and sentenced to lay in Prison some Months, and pay a large Fine;—— but at the Close of the Court, two of the Prisoners Broke out, and the third, though the Door was open, would not go till he got a Discharge.

The Governor's Men began to die with the Flux; and the Officers being found guilty, they grew generally very discontented and angry. —The Governor sent a Discharge after the two other Prisoners, and a General Pardon, excepting a few in a County, and disbanded all his Men.—Nor ever did Men look more sheepish and ashamed than they did as they returned, endeavoring to keep up their Countenance by Hooping and Hooraying for the Regulators.

On the Trial of one of the Prisoners for rescuing the Mare, taken for the Taxes, the Attornies mentioned that the Legality of the said Tax was Disputed; and one of the Judges, in Answer, said, That was not a legal way to dispute it; but if any one thought the Tax not legal, they ought to Indite the Sheriff.

This being observed by *Hermon Husband*, he consulted Attorney-General, observing it to him, who not only remembered the Advice but concerned therewith. Whereupon *Hermon Husband* indited one of the Sheriffs; who, being found not Guilty, sued the said *Husband* for a malicious Prosecution.——But the Assembly being soon called, and this being a material Point, and having received no Satisfaction either from the Governor's Answer on this Head, nor yet from the Proceedings and Examinations the Court made thereon, we particularly laid it again before the Assembly, [58] who thereupon resolved, That Three Shillings of the publick Tax was wrong; or no more to be collected; Yet, notwithstanding, the Sheriffs continued to demand it of us.

At the next Superior Court, which was on the 22d. of March, 1769, we made some farther Trials at the Law, but met with less Encouragement of obtaining Redress in that Way than we had the Court before.

We minuted down some of the Trials, which was in Substance as follows.

On Trial, the King against E—— F——, ²⁴ for Extortion in his having taken Six Shillings for Registering a Deed.——He urged in his Plea, that he was ignorant of the Law, in that he put

²⁴ Edmund Fanning.

another Construction on the Words, &c. and that he did apply to the County Court, and they judged that was Two and Eight-pence for the Deed, and two and Eight-pence for any other Writing and 7d. for the Certificate, and 7d more for recording the Certificate, in all Six Shillings and Six-pence; but that he had generously quit the Six-pence.

Now he had pleaded this like Cause several Times before, in one of which he had took Nine Shillings and Two-pence, pleading in that one Case there were two other Pieces of Writing.

Attorney-General, as he had done before, shewed the other piece of Writing, mentioned in the Table of Fees, to have no Relation to Deeds at all but Bills of Sale or other Papers that might happen to want to be recorded; and before he had observed that there was Certainty in the Matter at all, if it was allowed to make another Piece of Writing out of the Deed; for, with as good Reason, it might be divided into two or ten Pieces of Writing.

When Attorney-General was going to reply to the Plea of the inferior Courts Judgment, F——g stopped him; saying, I give up that, and lay no Stress at all on it.

[59] Then———rose up, and gave a Charge to the Jury, to this effect;——That though his own Judgment was one with Attorney-General, and the same he had Given on the like Occasion twice before, yet he would remind them of what C—— F——g alledged in his own Favour,—— and so recounted over how he had obtained the Judgment of the said Inferior Court,——who made the Fees out thus; for recording a Deed Two Shillings and Eight-pence, for the other Piece of Writing Two Shillings and Eight-pence, and for recording the Certificate Seven-pence, which makes (says he) Six Shillings and One Penny; so that in the Way they constructed the Words of the Law, he took One Penny less.

Here Attorney-General says it comes to but Five Shillings and Eleven-pence that way,——this putting him to a Stand,—— F——g says, there was two other Pieces of Writing.—ay, says ——there was two other Pieces of Writing, which at Two Shillings and Eight-pence a Piece, with the Deed and Certificate, comes to——(here he figured a little) Eight and Seven-pence, and so according to this Way Colonel ——F——g took Two Shillings and Seven-pence, &c.

I have mentioned this to show the Difficulty and Uncertainty of these methods; by which like Method all our Officers make out their extortionary Bills, and scarce one of them can Make out a Bill twice the same Way, or any two to make out a Bill to come to the same Sum. I have seen them pinched here many a time, and not only in this, but when they have had a Bill in their Hand with the Sum in Lumps, they could not make it answer when they undertook to divide it into Particulars. In which Extremity, they generally tell me, that it takes a good Lawyer to make out a Fee-Bill; and that few Men in the Province could do it but Major M——, and [60] Mr. B——guin; and Intimated it as Vain and a Crime for any Common Man to pretend to understand the Fee-Bill.

But they have been put to it what to answer me, when I reminded them, that the Legislative Body calculated it for, and supposed every Man to understand it, and that it was a Pity every Officer could not carry Major M——, or Mr. B——n, in their Pockets.

However, to proceed to the Minutes of Trials, &c.

On a Trial, the King against John Wood, &c.

The King proved, that Stephen Jones, having a Writ served on John Erwin for a Debt of Six Pounds; that on serving the Writ Jones and Erwin agreed. But neither of them paying the Cost, this Sheriff, John Wood, served an Execution on Jones for the Cost, and took thereupon Fifty Shillings and Eight-pence, exclusive of Thirty Shillings, which Jones paid a Lawyer.

Attorney-General told the Court and Jury, that he had examined the Laws, and could make out no such Fees.

The Judge ordered the Defendant to make them out; whereupon the Bill was handed up to the Judge, and he seperated the Clerk's Bill from the Sheriff's, and Ordered them to make out the Sheriff's Fees, he being only the Defendant.——The Clerk's Bill was Twenty-six Shillings and Eight-Pence, and when the separate Bill was handed up, the Judge asked, what is this Ten Shillings and Eight-Pence for?——And when the Defendant's Attorney says, for so and so, &c.——The Judge said, that is already Charged in the Clerk's Bill, and is Part of the Twenty-six Shillings and Eight-pence, which I have seperated.

After some Time they handed it up again, but he returned it in the same Manner, saying, some other Part of the Twenty-six Shillings and Eight-pence, was still charged over again.

[61] The Defendant's Attornies, for he had two or three, took the Law-Book into the Bar, and kept working at it so long as tired the Judge so, that he began to complain.

Then one of the Attornies began to Read over the Bill, or say it over by Head, thus; there is One Shilling for a Bail Bond, and One Shilling and Four-pence, for serving a Declaration,———and was going on, when Attorney-General says, there was no Bail taken, nor no Declaration; the Case was immediately agreed, &c.

After a While, one of them again gets up, and says,———And please your Honour, I have found a way to make it out, there was Two Shillings and Eight-pence for Commitment, and Two Shillings and Eight-pence, for Releasement.——But Attorney-General says, there was no Commitment in the Case, nor Bail, I am sensible. Where Bail is necessary, though a Sheriff don't take Bail, yet as he then stands Culpable himself, he might with some Reason charge for the Bond; but no Bail was necessary in this Case; the Action was immediately agreed.

The Defendant's Attorney replies, addressing himself to the Court; in the ordinary Course of Practice, Bail is necessary. And Mr. Attorney (looking at him) you allow all Fees to be due which should or ought to have been done.

Attorney-General replies, for my Part, I tell you I have examined the Laws, and can make out no such Fees.———But let the Jury take the Law Book with them, and if they can make out such Fees, it is nothing to me; for my Part I can't: The action was immediately agreed.

Upon this the Judge gave the Jury their Charge, and told them they had to consider how much Terror Sheriffs must be under from the late Disturbances, &c. And that he had been informed their Salaries were low; so that they had this to consider, that whether, if the Sheriffs are too much dis[62]couraged, it would not be hard to get any to officiate.

The Jury found the Defendant not Guilty, and sealed up their Verdict till Court sat next Morning. But we being allarmed at such Proceedings, shewed the aforesaid Minutes to the Jury, and also to

Attorney-General, with the following supposition; upon which the Jury Disagreed to their Verdict. And the Matter being debated over again, they found him guilty.

The Supposition was thus; with a little Amendment, *viz.*

Let us suppose this case had been between a Farmer, Plaintiff, and a Black-smith, Defendant.——The farmer proves that he sent to the Black-smith for a Colter; that he got one which was not steeled, and that the Smith dying immediately,——his Executors sent to the Farmer and demanded and received Thirty-four Shillings and Six-pence, which he had paid;—but now had sued them for wronging him.

The Plaintiff's Attorney informed the Court, that by the Smith's Book no such Account was to be found:——The Judge then desired the Defendant to make it out.——He produced his Account stated thus;

To a new Colter, Weight 10lb.	-	-	£ 0 15 0
To six Sharps,	-	-	0 3 0
To Eight Do.	-	-	0 4 0
To Laying the Colter,	-	-	0 5 0
To the Forge for 15lb. Iron,	-	-	0 7 6
<hr/>			
£ 1 14 6			

The Judge soon separated the last Seven Shillings and Six-pence, being twice charged, it being included in the first Fifteen Shillings.——So then the Defendant's Attornies, allowing the Sharplings and Layings for granted, had to make out that Seven Shillings and Six-pence; and they [63] kept Searching the Book till the Judge's patience was tired, and he complained. Then one begins to say over the Account; there is a Shilling for a Key to every Colter, and One Shilling and Six-pence for steel.——But the Plaintiff's Attorney says, there was no Key nor Steel in the Case.——Then after some Time, says one of them, and please your Honour, I have found a Way to make it out; here is Five Shillings for making a Shear to the Colter, and Two Shillings and Six-pence for Steel, which is charged in most Peoples Accounts.——But the Plaintiff's Attorney says, We had no Shear, no Steel nor Key; the Black-smith died immediately before ever the Colter was used, as has been proven. I am sen-

sible that by a bad Heat a Black-Smith might put Steel on a Colter, which, possibly, might drop off before it came into the Owner's Hands; and it might possible be charged; But then the Black-smith stands liable to put it on, and make it good.

The Defendant's Attorney replies, And please the Court, in the ordinary Course of practice there is always a Shear to every Colter, and they are generally steel'd. And Mr. Attorney, (looking at the Plaintiff's Attorney) you allow that Steeling may be charged, though so badly put on as to come off; and with as good Reason it may be charged though not done at all, because in the general Course of Practice it ought to have been done, &c. &c. &c.

A Word to the Wise is sufficient.

By the Fee-Bill, the whole Cost of this Suit came to but Fourteen Shillings and One Penny, after reckoning up every Service that possibly could have been done, *viz.*

To entring Jones and Erwin on Docket,	-	-	-	£ 0 0 7
Entring an Attorney; the Law allows nothing; but suppose	-	-	-	0 0 7

Carried forward, £ 0 1 2

[64]

Brought forward, £ 0 1 2

To a Writ,	-	-	-	-	-	-	-	0 1 1
To serving the Writ,	-	-	-	-	-	-	-	0 5 4
To Calling the Action in Court,	-	-	-	-	-	-	-	0 0 4
Sheriff returning it agreed; no Allowance in Law; suppose	-	-	-	-	-	-	-	0 0 4
Entring the Action agreed,	-	-	-	-	-	-	-	0 0 7
Calling it over agreed,	-	-	-	-	-	-	-	0 0 4

0 9 2

Drawing Bill of Cost	-	-	-	-	-	-	-	0 0 7
Issuing Execution	-	-	-	-	-	-	-	0 1 4
Serving Execution, One Shilling in Pound,	-	-	-	-	-	-	-	0 0 6
Tax-fee, if due,	-	-	-	-	-	-	-	0 2 6

£ 0 14 1

The Governor had dissolved our Assembly, and granted us a new Election on the 19th of July, 1768, a little before which, the Regulators wrote the following Address to the Inhabitants in general.

To the INHABITANTS of the Province of
North-Carolina.

Dear Brethren,

Nothing is more common than for Persons who look upon themselves to be injured than to resent and complain. These are sounded aloud, and plain in Proportion to the Apprehension of it. Our Fearfulness too, frequently augment our real as well as apparent Dangers. Let us adjust our Complaints or Resentments to the Reality as well as the Nature of the Injury received.

Excess in any Matter breeds Contempt; whereas strict Propriety obtains the Suffrage of every Class. The Oppression of inferior Individuals must only demand Tutelage of Superiors; and in civil Matters our Cries should reach the authoritative Ear, when the Weight [65] that crusheth from the higher Powers.——But when imposed by the Populace, to the Populace our Complaints must extend.——When therefore the Cry of any City, Province or Nation is general, it must be generally directed to the Source from whence the Cry is caused.

The late Commotions and crying Dissatisfactions among the common People of this Province, is not unknown nor unfelt by any thinking Person.——No Person among you could be at a Loss to find out the true Cause.——I dare venture to assert you all advised to the Application of the Public Money;——these you saw misapplied to the enriching of Individuals, or at least embezzled in some way without defraying the publick Expenses. Have not your Purses been pillaged by the exorbitant and unlawful Fees taken by Officers, Clerks, &c.——I need not mention the intolerable expensive Method of Recovery by Law, occasioned by the narrow Limits of the inferior Court's Jurisdiction.——Have you not been grieved to find the Power of our County Courts so curtailed, that scarce the Shadow of Power is left. This Body, however respectable, is intrusted with little more than might pertain to the Jurisdiction of a single Magistrate, or at least two or three Justices of the Peace in Conjunction.——In Consequence of this, very small Sums drags us to Superior Courts.——These must be attended with all our Evidences, altho many at the Distance of 150 Miles. Add to this a double Fee to all Officers; hence we are made feelingly sensible,

that our necessary Expenses, with the additional Costs, are equal, if not surpass the original Sum.

For what End was the Jurisdiction of the Courts reduced to such narrow Limits? Is it not to fill the Superior Houses with Business? Why has the Authority fallen upon this wonderful Expedient? Is it not evident, that this was calculated for the Emolument of Lawyers, Clerks, &c. What other Reason can be assigned for this amazing Scheme?——none Brethren, none!

Has not the Charges of Government been unnecessarily raised, to the great Encrease of the Publick Tax? Has not the Publick Money been intrusted in Hands of insuffi[66]cient Persons, without sufficient Securities, or due Care taken in accounting for, and recovering the same? Has not this often reduced us to the disagreeable Necessity of contributing or paying by Tax the Sum once raised—but through Carelessness or Neglect, or something worse, uselessly consumed? To what doth this tend? is not the Issue manifestly the Impoverishment of the Country?—fatal Consequences.

The Exorbitant, not to say unlawful Fees, required and assumed by Officers,——the unnecessary, not to say destructive Abridgement of a Court's Jurisdiction,——the enormous Encrease of the provincial Tax unnecessary; these are Evils of which no Person can be insensible, and which I doubt not has been lamented by each of you. It must have obliged you to examine from what Quarter Relief might be found against these sad Calamities——In vain will you search for a Remedy until you find out the Disease.

Many are accusing the Legislative Body as the Source of all those woful Calamities.——These, it must be confessed, are the instrumental Cause; they can, yea do impose some of these heavy Burdens.——But whence received they this Power? Is not their Power delegated from the Populace? The original principal Cause is our own blind stupid Conduct.

If it be queried, How doth our Conduct contribute to this? Answer presents itself——we have chosen Persons to represent us to make Laws, &c. whose former Conduct and Circumstance might have given us the highest Reason to expect they would sacrifice the true Interest of their Country to Avarice, or Ambition, or both.

I need not inform you, that a Majority of our Assembly is composed of Lawyers, Clerks, and others in Connection with them, while

by our own Voice we have excluded the Planter.—Is it not evident their own private Interest is, designed in the whole Train of our Laws?—We have not the least Reason to expect the Good of the Farmer, and consequently of the Community, will be consulted, by those who hang on Favour, or depend on the Intricacies of the Laws.—What can be expected from those who have ever disco[67]vered a Want of good Principles, and whose highest Study is the Promotion of their Wealth; and with whom the Interest of the Publick, when it comes in Competition with their private Advantages, is suffered to sink?—nothing less than the Ruin of the Publick.—Have we not hitherto, in a great Degree, chosen such Men as have been described? Nay, have they not been such as are dependant in their Fortunes, with great Expectations from others, or enjoy Places of Benefit and Trust in the Government? Doth not Reason declare we might expect such cringing Vassals would readily sacrifice the Interest of the Community to the Idol Self?—Are not such Persons utterly disqualified for supporting our Rights and Properties?—Is it not high Time to seek an Antidote against such deadly Poison, before it utterly destroys us?

But you will say, what is the Remedy against this malignant Disease?

I will venture to prescribe a sovereign one if duly applied; that is, as you have now a fit Opportunity, choose for your Representatives or Burgesses such Men as have given you the strongest Reason to believe they are truly honest: Such as are disinterested, publick spirited, who will not allow their private Advantage once to stand in Competition with the public Good.

You grant the Prescription is sovereign: But how shall you obtain such? I answer: Let your Judgment be formed on their past Conduct; let them be such as have been unblamable in Life, independent in their Fortunes, without Expectations from others; let them be such as enjoy no Places of Benefit under the Government; such as do not depend upon Favour for their Living, nor do derive Profit or Advantage from the intricate Perplexity of the Law. In short, let them be Men whose private Interest neither doth nor can clash with the Interest or special Good of their Country.

Are you not sensible, Brethren, that we have too long groaned in Secret under the Weight of these crushing Mischiefs? How long

will ye in this servile Manner subject yourselves to Slavery? Now shew yourselves to be Freemen, and for once assert your Liberty and main[68]tain your Rights——This, this Election let us exert ourselves, and show, that we will not through Fear, Favour or Affection, bow and subject ourselves to those who, under the Mask of Friendship, have long drawn Calamities upon us.

Should we now through Fear or Favour act as we have done, contrary to Duty and Interest; so far as we do this, we contribute to all the Mischief consequent upon it.——Where then is that moving Principle Self-preservation? Will you, can you, voluntarily submit yourselves to Ignominy and Want? These will agrandize themselves and swim in Opulence.

Have they not monopolized your Properties; and what is wanting but Time to draw from you the last Farthing? Who that has the Spirit of a Man could endure this? Who that has the least Spark of Love to his Country or to himself would bear the Delusion?

In a special Manner then, let us, at this Election, rouse all our Powers to act like free publick spirited Men, knowing that he that betrays the Cause now betrays his Country, and must sink in the general Ruin.

And as the Inhabitants of Rowan could get no Indictments preferred against their Officers in Salisbury District, they had sent to us, and J—H—r²⁵ went to their assistance; and by the Letter following you my form some Idea how Matters were carried on, viz.²⁶

Salisbury, September, 14, 1769.

To Mr. H U S B A N D, Representative for
Orange County.

SIR,

Agreecable to the Resolutions of a Committee, held at Joshua T———'s,²⁷ last Month, about six or seven of us attended Salisbury general Court to indict our Officers; when, to our Astonishment, we found the Grand Jury to be Composed of our inveterate Enemies, and of such as has been our greatest Oppressors.——No [69] less than five of them were old Sheriffs.——In fine, there were but two

²⁵ J——H——r refers to James Hunter.

²⁶ This is an abbreviated copy of the original letter which is in the *Colonial Records*, Vol. VIII, p. 68.

²⁷ Joshua Teague.

or three but what were Limbs of the law.—However, we were resolved to try what Justice could be obtained, as we have been so often referred thereto by the Governor, and others of the first Rank in the Province, who had so repeatedly urged us to legal Steps, assuring us, we should every where obtain the highest Justice; and one had told us he always would be there and see that we had Justice: So relying on these Promises, and being conscious the Laws was against them who had so repeatedly broke them, besides the Cries of the People was so great, and Oppressions so many, that we durst hardly return home before trial made.—We applied to Mr. H——r, Deputy under Attorney-General,²⁸ he appeared well pleased with our Design, and assured us he would do all in his Power to serve us.

A Bill was Preferred against F——k,²⁹ for Extortion, in taking Eight Pounds Five Shillings of the Widow C——,³⁰ for the Cost of an Indictment against her. And the Bill found Ignoramus it was proved by the Oath of J——h H——n,³¹ that he paid the Money for the Widow to the Sub-Sheriff for the use of the said F——k; and proved by the Oath of J——D——,³² a Lawyer, that he got the Receipt of the Widow some Time ago, in Order to procure Redress for her; but that he had lost it; but that it was for Eight Pounds Five Shillings. And A——m——C——n³³ proved, that F——k asked him, when he was making out the Bill against the Widow, what Circumstances she was in; and he said in very good, and had money by her. If that be the Case, says F——k, I must double the Bill.

However, the bill was found Ignoramus, &c.

[70] This Letter was longer:—After giving an Account of several more Trials, and all found Ignoramus, they were informed by one of the Magistrates, which was confirmed by an Assembly-man, that the Jury was not the same Men which was appointed by Authority.

This Letter was read before our Assembly, and is in the Clerk's Office there.

²⁸ William Hooper.

²⁹ Frohawk.

³⁰ Mrs. Coe.

³¹ Joseph Harrison.

³² John Dunn.

³³ Abram Casson.

Another Petition went from Hilsborough Court, which, after reciting over how much the Governor and Authority had recommended us to the Law, comes to the Matter in Hand, thus, *viz.*

So that to the Law we must go to find Redress. Accordingly to Law we went, and the present design of this Paper is, in as brief a manner as possible, to lay before you our Proceedings and Success therein.

Before the first Court happened, Troops were raising in all Quarters, as was said, to guard the Court.——The Effect of these Troops was, that every Man coming into Court was examined what Business he had. And every one who dared to own, that it was to complain of Officers, was ill used by the Guards and Soldiery, and scared away home;——but some few who would not be scared away was ordered out of town by the Commanding Officers at a few Minutes Warning. None could stay but Prisoners, and them denied of Attornies, unless they would give Bonds for Fifty and to Three Hundred Pounds to each Attorney.

But notwithstanding all which, by the Industry of one of the Prisoners, some was encouraged to come back, and three or four Actions against an Officer was tried, and the Officer convicted, who was fined One Penny, &c.

During the Time to the next Court, all other Officers, except this one, continued to take the same extortionary Fees as before: And no Troops being raised against us, at the next Court, People flocked in to make Informations. But besides the [71] Difficulty of attending Courts from thirty to sixty miles, and the Officers threatening to sue for malicious Prosecutions, and take all other Advantages of the Law.——Besides all this, the Attorney-General did not attend the two or three first days of Court; so that most of the People had gone Home.

Some Informations, however, was made after he came, and a few of them tried, in which the Officers was all convicted, except in one Instance, and immediately that one prosecutor was sued.—Minutes of some of those trials were took down in writing; in which are matters so curious, that we suppose Instances of the Kind are not to be found elsewhere.

Among other Things, that the Jury was picked, and calculated of such weak and low Capacities, that when they had agreed on a Ver-

diet, and mixed among Men before they gave it in, by hearing others Sentiments, they disagreed to it when given in: And this was repeated so often, with such Marks of Incapacity mixed with honest Principles, that the Consequence was such Confusion and Contradiction, that the Jury was discharged at the Bar, after a Verdict agreed to, and then disagreed. And other Confessions, that two of the Jury overruled the rest; and the Action was continued to the next Court; and this court adjourned.

We found, afterwards, these two men of the Jury that overruled, were much prejudiced in favour of the Officers.——This Discovery put us on examining how the Juries were appointed, and finding that to be the Province of the Justices of the Inferior Court, we made some Complaints of this Usage to our Justices.——But hearing of the Proceedings at Salisbury before our general Court came on, we chiefly prepared ourselves for Observations, and the first we had to make was that the Chief-Justice and Attorney-General [72] in whom only we had much Confidence, that neither of them was at this court.

2d. We observed the Deputy Attorney, and both Associate Judges, lodged with him whom we looked on as our chief Enemy, and Cause of our Oppressions.——So that Men of common Modesty was deterred from applying to him.

3d. We observed the Petty Jury was not Picked this court, but the Grand Jury was to all intents.

4th. We observed no Petty Jury Causes were try'd this Court against Officers: So that poor Men, who had attended all last Court, and most of this, (before it was known) and thirty or forty Miles from Home, must attend a third Court.

Some, who had more boldness than others, apply'd to Deputy ——, and made Information against the Clerk of the Inferior Court for taking Three Pounds Four Shillings and Six-pence for his own Fee on a Common Attachment.——He told them he must have the Informations in Writing.——They found a Clerk, and carries it in writing.——Then it wanted a Date, or name, and then something else, till at length they got one almost right; but had gone from Office to Office so often, that one of the clerk's D——d them for a Pack of Sons of B——s, and denied serving them.

Deputy Attorney came also out of his Fortification into the Street, and complain'd he had been so much harassed, that he was almost sick.

The Bill against the Clerk and some more, being at length preferred, was all Ignoramus.

Next Day Deputy told W—— B——r³⁴ he would hear no more of us; and as W—— B——r made Complaint of this to the Court, Deputy said, it was a Lie; and that he only refused him on his ill Behaviour; and said he was an ill Person; running about, taking other people's business to do.——But in this he was mistaken for Butler's Business was his own; though some [73] of the other, according to the Governor's Directions, was willing to make Informations in Behalf of the injured. Some made Informations to single Justices for petty Fines; the Consequence of which was, Judgment went against the Defendant for the Fine, and against the Plaintiff for the Costs; and the Justice, with a Loud Voice, berating him for a mean pitiful Informer.

Others applied to Attornies to bring Suit on the Penal Laws, when they not only found by a late Law, that the clerks of Courts were hedged in from the Force of the Penal Laws by ordering Suit to be brought against them by a Motion to Court, and the Justices to fine them at Discretion, if it appeared that they had wilfully extorted, &c. By all of which, we could understand the Prosecutor, as Matters now stand, would get his Labour for his pains, and the clerk's clear of any Cost, &c. &c.

This Letter, which contained much more, was also read before the Assembly in October, 1769, and is in the Clerk's Office there.

We draw now near to an End, for our Assembly was dissolved before they could do any Business of Consequence; so that all Things are left in Confusion and Disorder. We had thirty odd new Members this session; and we hope a few more of the old Ones will be left out against another. We shall conclude, with a Plea in Behalf of a Motion that was made in the House last Sessions for encouraging the first Settlers of the Back vacant Lands:——and two other Pieces, intituled, S E R M O N S ; being an Abridgement of a Pamphlet of a late nameless Author.

³⁴ William Butler.

The Order in which we shall Proceed in the Plea is, First, to give a Relation of the Circumstances that the Petitioners, (settlers on the vacant Lands in the Earl of Granville District) are in, and the Danger there is of their suffering Injustice.

2dly. To show that the Spirit of the Law, from the most unexceptionable Authors, is to do Equity [74] and Justice to the Poor, where the Letter of the Law may be wanting or against them.——A proper Work for Assemblies.

3dly. To shew, that it has been the Opinion of all the several Legislative Bodies, both of Great-Britain and her Colonies, that peaceable Possession, especially of back waste vacant Lands, is a Kind of Right, always looked upon quite sufficient to entitle them to the Preference or Refusal of a farther Title; and that Individuals should not hold unreasonable Quantities of waste Lands; and then conclude, with such Observations as may occur.

First. THE Earl of Granville's Lands, with all other Proprietor's lands, have been let out by a Public Office, without respect of Persons.——And the common Method that has been used by the Poor, and has been always countenanced and approved of, has been to move out, from the interior Parts to the back Lands, with their Families, and find a Spot, whereon they built a Hut, and made some Improvements before they went to the Office for a Title, which is generally too or three hundred Miles off.——This Method has been used from New-England to Georgia, some Hundreds of Years past, even time out of Mind, and has ever been allowed of good consequence.

Now the Earl of Granville's Office, shut in such a Manner, that no one in the Province knew but it would open again every Year;——and no order were ever given to forbid such Method of Settling, so that all Sorts of People have continued to seat the Vacant Lands as usual, in full Confidence of the Preference of a Title; and have made such improvements as sells, one among another, for upwards of One Hundred Pounds, expecting the Office to open every Year;——but four or five years being now elapsed, there is so much of the Lands seated under these Circumstances, that Individuals in Power, and who has Money, are Marking them out [75] for a Prey; and are lodging Money, and making Friends with such as are likely

to have a better Chance to hear, and repair to the Land Office, whenever it shall open,—if not even Repair to it in England.

Some Designs of this Kind we doubt is too true; and though it cannot be supposed that any Proprietor whatsoever but will incline to the same Principles of Justice and Equity that have been so long in practice; but the Danger is of their being imposed on: For late Experience, in Colonel Corbin's Time,³⁵ has shewn us, that though he professed, and always attempted to do this Justice, yet the Disputes and controversies became so numerous by the Country's encreasing so fast, and the Distance so far, that he could come at no Certainty in these Matters, and was obliged to quit it.——Which shows us, it is a Defect in Government, that no Provision is made in these Cases. Mr. Thomas Child³⁶ had very Particular and special Instructions to follow the same Principles of Justice; who told a certain Person, who applied to him in behalf of a good many Sufferers, that though it was his Lordship's earnest Desire to distribute the strictest Equity and justice among his Tenants here, yet when he came to put it in practice, the Number of complaints, and vast Distance of the way, rendered it impracticable, by Reason he could come at no Certainty of the Truth.——And this will be ten-fold more the Case whenever the Office opens again.

The Method of Redress that is proposed is, to Pass a Law, that whoever among us shall enter such Improvements, over the head of any such peaceable first Inhabitant, either by himself or by Virtue of a Purchase, shall be liable to an Action at Common Law, and subject to pay the Owner the Value of his Labour, and Damages of moving to another Place, unless such Person had given six Months Warning before Evidences to such Inhabitant. Such a Law will no ways interfere [76] with his Lordship's Office, but contrarily prevent Disputes from appearing there.

To proceed to the second Head Proposed, I will recite a Passage out of the Fifth of *Nehemiah*, Governor under *Artaxerxes*, viz.

“AND there was a great Cry of the People, and of their wives, against their Brethren the Jews; for there was that said, we our Sons

³⁵ Francis Corbin of Chowan County, member of the Council and Associate Justice, from 1751 to 1760 when he was removed from both offices; appointed agent of Lord Granville in 1754, his administration provoked criticism and wrath and he was subjected to male discipline in 1759. From 1760 to 1765 he represented Chowan in the Assembly. See No. VI., pp. 177-178 of this collection.

³⁶ Thomas Child succeeded Corbin as Granville's agent in 1759. He was also Attorney General from 1759 to 1766 and represented Chowan County in the Assembly of 1760.

and our Daughters are many; therefore we take up Corn for them that we may eat and live.

"Some also there were that said, we have mortgaged our Lands, Vineyards and Houses, that we might buy Corn because of the dearth.

"There were also that said, we have borrowed Money* for the King's Tribute, (or to pay our Taxes) and that upon our Lands and Vineyards; yet now our Flesh is as the Flesh of our Brethren, and our children as their children; and so we bring our Sons and our Daughters to be Servants: And some of our Daughters are brought into Bondage already. Neither is it in our Power to redeem them, for other Men have our Lands and Vineyards.

"And I was very angry when I heard their Cry and these Words; then I consulted with myself, and I rebuked the Nobles of the Rulers, and said unto them, Ye exact Usury every one of his brother.—— And I set a great Assembly against them, (Mob some calls it;) ——and I said unto them, we, after our Ability, have redeemed our Brethren the Jews, which were sold unto the Heathen, and will you even sell your Brethren, or shall they be sold unto us?——Then held they their Peace, and found nothing to answer. Also I said, it is not good that ye do; ought ye not to walk in the fear of our God, because of the reproach of the heathen our enemies?

I likewise, and my brethren, and my servants, might exact of them money and corn; I pray you let us leave off this usury. Restore, I pray you, [77] to them, even this day, their land, their vineyards, their olive-yards, and their houses, also the hundredth part of the money, and of the corn, the wine, and the oil, that ye exact of them.

"Then said they, We will restore them, and will require nothing of them; so will we do as thou sayest. Then I called the priests, and took an oath of them, that they should do according to this promise. Also I shook my lap, and said, So God shake out every man from his house, and from his labour, that performeth not this promise, even thus be he shaken out, and emptied."

The Justice done the Poor in this Passage far exceeds what is aimed at in this Motion. There cannot be the same Arguments used against us, as might and no doubt would have been in this mighty degenerate Age, had we petitioned for Relief in a full and similar Case.

It is to be feared too many of our Rulers have an eye to make a Prey of these poor People, because an Opinion seems to be propagated, that it is Criminal to cut a Tree down off the vacant Lands. Whether this Notion took its Rise from the great Men's making Tar and Turpentine on vacant Lands, which is a quite different Case, or from the Motive's above mentioned, I would advise no honest Man to suffer such an Opinion to take Place with him; for the Thing is so inhuman and base, that you will not find a man but he will deny and clear himself, or hide such a Design as long as he can, which must proceed from his Conceptions of the Heinousness there of.

Who can justify the Conduct of any Government who have countenanced and encouraged so many Thousands of poor Families to bestow their All, and the Labour of many Years, to improve a Piece of waste Land, with full Expectation of a Title, to deny them Protection from being robed of it [78] all by a few roguish Individuals, who never bestowed a Farthing thereon?

And, 3dly, That this has been the Sense of all the British Legislations; and that the contrary Doctrine is as contrary to Nature and Justice as the Story of the Dog in the Manger. To evince this a little, requires to be said no other than the constant Instructions to all his Majesty's colonies, though grossly abused; such as Head Rights, the Cultivation Clause, in all our Patents——and the Necessity of applying for an Order of council to obtain any larger Grants. Nothing is more hurtful to the Common Wealth, than for individuals to hold unreasonable quantities of lands, and rent them out to the Poor. A Traveller may know when he rides through such Lands, by the bad Husbandry and discontented Looks of the People. These Sentiments of Justice are so natural, that they strike every Man in the Same Light, and it is to be hoped will do so for ever.

A SERMON³⁷

GEN. 49th Chap. Verses 14, 15, and 21.

Issachar is a strong ass, couching down between two burdens.

³⁷ In this "sermon," as well as the one which follows it, Husband is a plagiarist, adopting both the style and the general ideas of James Murray's *Sermons to Asses*, a pamphlet published in London in 1768, and reprinted in Philadelphia by John Dunlap in 1769 and 1770 and in Boston by an unknown printer in 1770. Murray was a Scotch clergyman who organized an independent congregation at Almwick. The theme of his *Sermons to Asses* was the injustice of the discriminations against Dissenters, the incompatibility of an established Church with the church of the scripture, and the burden on the poor imposed by excise taxes. The work was dedicated to Rev. Messrs. G. W., J. W., W. R., and M. M., viz.: George Whitefield, John Wesley, William Romaine, and Martin Madon. Husband, of course, abridges, and also inserts illustrations from conditions in North Carolina.

And he saw that rest was good, and the land that it was pleasant; and bowed his shoulder to bear, and became a servant to tribute.

Naphtali is a hind let loose: he giveth goodly words.

We find it very usual in the Old Testament by the figure of a beast to point out the Image of a people.

The text under consideration, is perhaps as apt and lively a representation of Issachar's character, as any in the whole Bible, or any people whatsoever; and may serve to discover the people of Issachar's character down to this day.— [79] They were a tribe of Israel,——and an inactive people towards the good of posterity and mankind in General; they loved rest and present ease more than liberty, ——and choosed to be Slaves rather than exert themselves to maintain their liberties.——He saw the land was good, and rest was pleasant to him; he bowed his shoulder to bear, and became a servant to tribute to pay heavy taxes.——We have many such Issachars in this day.——Our text is a prophesy in the present tense,——a thing usual in the Hebrew writings,——it is Jacob foretelling the character of Issachar, and the contrary character of Naphtali.

Jacob is the first that is mentioned in scripture who preached to asses; but many have been thus employed since his time.——This is a most shameful monosyllable, when applied to reasonable creatures;——men endowed with reason and understanding to degenerate so basely; what a falling off is here!

He was a numerous tribe, far too many to be so mean spirited.——A nation of slaves is a kingdom of asses;——it is dishonourable rest and disgraceful pleasure that is established upon the ruin of the common weal.

What does these burdens mean, which Issachar couched down so decently under? Civil and religious slavery no doubt. Strange, that such a number of Rational creatures should bear two such insupportable burdens!——Ah, I had forgot that they were asses;——for, to be sure, no people of any rational spirit could endure such grievous bondage.

But who need wonder at Issachar's mean spirited condition, when many of those who have the light, and sit under the teaching of protestant and reformed ministers, have tamely couched down under these two burdens of civil and religious oppression.——Indeed this

slovenly character too [80] well fits all Europe.——I wish it was gone out of the world.

A horse is a generous animal; tractable, but not abject;——so obedience to just laws, and subjection to slavery, is two very different things; the first characterizes a people wise and good, the latter base, mean spirited and servile.——It is understanding that makes men good subjects.——Ignorance makes them slaves.——A strong ass, in the original word, denotes strength, but implies leanness.——And truly all those who submit to slavery are poor. We have not a word of his motion;——he was strong, but not active to assert his rights and privileges.

Rest was pleasant to him;——and thus it happens now, we sit still at ease, trusting to the good of the land, and concluding, every one. I can live out my time in peace and quiet;——forgetting our posterity, and mourning not for the afflictions of Joseph.

When men thus degenerate, they will always find some ready to fix burdens on them; for slavery don't come in a day, it is a work of time to make men perfect Slaves.

Indeed when men are conquered and overpowered, and forced to submit to bondage, it is no crime; but when through laziness, and love of a little ease they give up the publick welfare, they are unworthy of the protection of Heaven for rejecting its Government, and giving way thus by little and little.

It is wonderful to think what custom will do; it is called second nature, and justly so, for thro' long use and habit, men will stoop to, yea help to fix on, their own burdens.

Issachar stooped down; he well deserved a heavy burden for his meanness;——it is a just reward;——for such as do not value freedom and liberty, before a little present ease, deserve to be slaves.——They are blessings too valuable to [81] be enjoyed without care and industry to maintain them.

Providence has ordered slavery to prevail on such as certainly, as cold and darkness does in a winter's night, that they who make no industry, must lay cold and grope in the dark.

It is amazing to think how creatures, of the same frame and constitution, endowed with the same power and capacities, should become so submissively the slaves of others.

When all the faculties, and passions are engaged in pursuing their various and proper objects, according as nature directs and requires, it will be a miracle if men do not jostle themselves clear of unreasonable burdens.——And any people or nation who have a true sense of property and liberty will be zealous to establish them for posterity, and seek to propagate them both at home and abroad.

These two burdens, civil and religious oppression, are laid on by the power of princes and the power of priests.

In the burden of civil oppression is contained so much as the prince and his officers have need of for all the purposes of their pride and ambition;—to which passions there is no end, but will comprehend Item for every thing a man possesseth.

And in the burden of religious oppression is contained so much as the priest-hood have need of for the same purposes;—whole pride and cruelty exceed that of princes.——In nations where it has had a growth, and where it prevails, such as in Popish countries, where this burden contains in it Item for all things in heaven and in earth, here you must believe nothing contrary to the judgment of the church;——but must believe almost every thing else, however absurd,——the Bible only is excluded out of this heavy burden.

And in case any prove refractory, there is the inquisition, which has many spurs for such asses; and they may kick and spurn as they will, but may [82] as well think of bringing Rome to London as to think to throw of this burden.

Here is dungeons, where light or sun-shine never enter.——The very pictures of the mansions of the dead;——tortures, which furies in council only could contrive, are here the sad monitors of obedience to miserable mortals. Strange, that nothing else could be contrived to convince the consciences of men to believe the truth but what is fit for the most stubborn and slothful animal.——Can bodily torture convince the mind? Can hunger and pain reconcile contradiction?—Kind Jesus, this was never thy contrivance, whose law is love; whose conduct is all mercy.

How can kingdoms bear such a yoke? how can millions of reasonable creatures submit to such unreasonable slavery?

It must have cost much time and pains, and that too by help of some infernal spirit, to deprive men thus of their sense and reason:——the human mind is also subject to sad depravity to submit to

such abject bondage and slavery.—Can it be natural to men thus to degenerate into a state of brutal stupifaction? So many millions of rational beings, endowed with moral capacities, having the full exercise of the corporal functions, to submit to be treated like brutes, what a shocking consideration? Could they not have freed themselves, by making use of those powers the author of nature hath endowed them with? Ah no! not now.——They have lost their guide, reason; that guide of mankind is enslaved, and held himself a captive by servile superstition.

But there is some original cause for this degeneracy from the pure principles of nature. The leaders of the people cause them to err; ——Reason is duped by the passions;—— for those who have address enough to command the one will also overcome the other; and when men's eyes are put out, they grope in the [83] dark.—— Oh what can possess men in sacred offices thus to play the devil with their fellow creatures!

Interest, sordid self-interest is the cause;——the clergy, instead of pointing out the way of righteousness, do treat their congregations like asses, and keeps them in ignorance.——But who gave them that right and such preeminence; are not all men equally free; hath not God of one blood made all the kindreds of the earth. But thoughtless mortals gave up their privileges through indolence and inactivity. ——In Popish countries, where men are no sooner out of the hands of their nurses than they fall into the hands of the priests, whose leading maxim is to keep them ignorant, and abjectively submissive to all authority,——how can they understand their interest. But them who first gave up those privileges, justly deserve to bear a heavy burden.

But Italy and Spain are not the only places where people believe absurdities;——in a land where freedom has been the privilege and boast of every subject, we may, perhaps, find plenty of asses. ——You will say, not in America, a land renowned for all sorts of liberty;——A nation to which there is none equal upon the face of the earth, as we know of. In some provinces in America this may have been the case;——but we, in North-Carolina, are not free;——yet to the king, or to the plan of our constitution, nothing can be laid that tends to effect our Liberties.——But we have

sold that liberty which our ancestors left us by this constitution to such men as have not the least pretensions to rule over us.

Are we free while our laws are disapproved of by nine tenths of us? —Are we free while it is out of our power to obtain one law that is our choice? —Take out our oppressors themselves, and many of our laws are disagreeable to the inhabitants to a man: And worse than all [84] this, for bad as our laws are, the practice of them is worse, and our oppressors have got out of reach of them.

Kings who rule arbitrarily, generally claim their authority by some indefeasible right or other; —but those oppressors of ours have no other claim but a sale we have voluntarily made to them of our liberty. —But this was an unlawful bargain of sale; a drunken bargain.

Ye who, like Issachar, for the love of ease, or the gratification of some sordid passion, have sold your liberties, and submit to burdens, as unnatural as they are unreasonable. —your character is drawn in the text, to that of asses. —And worse than asses you are, who thus give up the cause of your country either to civil or religious dominators.

What a different sound has the character of Naphtali; —Naphtali is a hind let loose; he giveth goodly words; he was an assertor of liberty. —God give all men a knowledge of their privileges, and a true zeal to maintain them.

Issachar, I wish thy children had all died in the first generation; —for thy offspring is too numerous; they are in church and state; whoever will attend any place of concourse will find many of thy descendants so stupid, that they every day bring themselves under burdens they might easily prevent.

Some burdens are fixed on us by former generations, that the most industrious cannot get clear of now. —Heaven grant us help in this case.

But shurely we live under a government where grievances will be considered if faithfully represented; —and it is our own fault if we bear burdens. The bondage is heavy, and the cry has been loud; but proper means of redress is by too many neglected. —It is to be feared we are not all prepared for deliverance; for if we do not apply for it earnestly, we do but groan like asses and do not bestir ourselves.

[85] I shall now consider some grievous oppressions that we labour under.

2dly, Shew the reason and cause thereof;—and,

3dly, Consider a method to have them removed.

First, The Publick taxes is an unequal burden on the poor of this province, by reason the poorest man is taxed as high as the richest. Allowing the taxes to be all necessary, yet there ought to be some regard had to the strength of the beast, for all asses are not equally strong. We ought to be taxed accordingly to the profits of each man's estate. And as we have no trade to circulate money, this tax ought to be paid in country produce. There would be men enough to be found to fill all posts of office for a salary paid in produce, as any man can afford to officiate in an office for country produce as well as to farm or follow any other calling, the chief of which bring in nothing else.

This is a grievous burden on the poor, as matters have been carried on, for money is not to be had: And when a poor man's goods is distrained, the practice has been to take double, treble, yea ten times the value has sometimes been taken away.—And if they complain, they are not heard; if they resist, they are belaboured like asses.

Merciful Lord, would any people rise in mobs to disturb a peaceable nation if they could help it! Who is more ready than the poor to venture their lives in time of war for the safety of the nation? nay it is pinching hunger and cold, brought on them by abuse of officers, that is the cause.

A few men may rise in a riot without a Cause; and disaffected lords and great men may have such ambitious views, encouraged by some enemy prince;——but for the generality of the poor of a Province to rise, there must be some cause; I dare say there always is a grievous cause.

Neither is it any reflection on the king, to say, the poor are oppressed; for he don't make our laws:——'Tis the subjects themselves, like [86] the fish, devouring one another, with this difference we are devoured by law.

The narrow limits of our inferior court's jurisdiction, and likewise of a single magistrate, is a grievous burden on both poor and rich; and more so as we are obliged to see lawyers; and in their de-

mands they have got above the law, and have monopolized the whole power of the Courts into their own hands. Our burdens exceeds Issachar's; for truly we may be said to labour under three,——the lawyers use us as we do our flocks, they kill one here and there, or pluck us well, and then let us run a while to feather again.

We must make these men subject to the laws, or they will enslave the whole community.——General and private musters are also an unnecessary burden, especially in our large counties, the out sides of which have to ride from thirty to fifty miles; and the out sides of a county contain more than the heart. Going to one of these musters generally costs a whole week's labour.——And on the whole, costs the counties at least a Thousand Pounds each. A general muster is one week's loss in a year, which is one fiftieth part of the year.——Four private musters one week more, which is one twenty-fifth part.——Working on the roads and attending courts, will soon reduce it to one-twelfth part of our time.——And of what service is all this cost attending the militia law? It serves to bring custom to a few Ordinary-Keepers, and for a day of gaiety and feasting to a few individuals, who have been vain enough sometimes to publish such a day's diversion in distant Gazettes.

With what indignation must a poor ass read such a paragraph of such vain boasting of such a crowd of poor asses, faint with hunger, cold and thirst, laying out two or three nights by a fire in the woods, to perform this journey; destitute even of a great coat or a blanket; and of no use under the sun but to make a show of grandeur to [87] a few who, perhaps, are the most unworthy in the county.

This excess has not been practised perhaps in many counties;——But it is not amiss to check it, lest it should grow, and you be tied neck and heels for the least affront, and made to ride the wood mare.——It is enough to make a freeman's flesh creep to read this law;——which might be more tolerable, were the people allowed to choose their own officers.——It would be needless to mention every circumstance of oppression in this, which is yet but the civil burden.

Next comes the religious;——In this many conscientious good men are debarred from the privilege of serving the publick.——Our ancestors secured us so well from this burden, that it is even a shame to see how we have let those laws creep in over us; which could not be done but under colour of our consent.

In Britain, the clergy endeavor to make us believe that tithes and church rates are of divine institution. This pretended right of demanding church dues, more than the secular power gives, is treating men like asses. Indeed it is depriving them both of their money and senses at the same time. Though men of any religion obey the laws when once made, yet they cannot believe the church has any other claim but what the Magistrate gives her;——yet, when they pay, they will both think and say they are ill applied, and the king is badly informed.——Christians, though they may bear burdens, when they can obtain no redress, yet they are worse than asses thus tamely to consent to creating of them;——and when they know they cannot be created without their consent.

To think the posterity of a people, whose fathers had purchased them a freedom with the price of their blood and fortunes, that they should [88] basely sell that freedom for a pot of ale, and a shake of the hand, in flattery and deceit, is a most shocking consideration.

What a weak religion must it be, that needs anything to support it but what proceeds from voluntary consent and good will. It is strange that the Christian religion cannot maintain its ground by the same means that it gained it.

I was educated myself in the principles of the church of England, and have duly examined most other dissenting sects, and I can't say any of them is sounder or freer from error in their principles than she.——But this maintaining of the clergy, by establishment, suppose it don't corrupt a true minister, yet it is the very cause that makes ordinary wicked lazy men creep into orders, purely for a livelihood or office of profit, to get gain in an easy and lazy way.

And as to the different sects, I look upon all of them to have been by good men at first;——and we see they all degenerate in time as well as she.

These different sects and opinions are a balance to the sad depravity which the human mind is subject to; for had nature allowed it to have been possible for any one sect to have been so established by Law, as to have been wholly secured from the Attacks of, and from being exposed by dissenting sects,——no absurdity in the world but could have been imposed on the human mind.——Neither do I know that it is an article of the church of England to force a maintenance for their Clergy; or that it is in any of their creeds, but

rather a practice of Rome, kept up by the carnal men among them.——And I make no doubt but there is carnal men enough among the rulers of any of the dissenting sects to carry a majority among themselves to have the same establishment, could they perswade or have interest enough in the state to do it.——So that while I expose this antichristian practice, [89] I would not be understood to strike at the church of England more than any other that might have power to force the same maintenance.

When the Scriptures is given to make the man of God perfect, do not any sect whatsoever accuse them of imperfection when they make other fences against error, which are accounted more fit to guard men against heresy, than the scriptures themselves?

What occasion to introduce any other System of Religion either with or besides the scriptures, if they be sufficient to make men perfect in all things pertaining to godliness?——Do men think they can express themselves more intelligibly than the holy spirit, or commend the truth more clearly to other men's conscience?

2dly To proceed to the second head;——The reason of all civil and religious impositions hath been the slothfulness of the people,——who act like great men who commit the care of their estates to stewards. Such men as are intrusted by the community with their privileges, if they be not wise and good, will sell them, or give them away. And one cause of our complaints is, that we look not to our Business ourselves; but think, as soon as we have elected civil or religious governors, we may fall asleep in pleasure, indolence and inattention.——When they degenerate into Tyrants, as much of the blame lays on the community as upon them;——for had those who employed them watched over them as they ought, and given them timely admonition, they might have prevented them from ruining both their own souls as well as the publick interest.

The indolence of a people is a temptation to governors to turn usurpers.——In a free country like ours, where assembly-men are voted by a free Election, and are not to be perpetual, it would be easy to have all the laws agreeable to the Body of the people. We loose our liberty by [90] not asserting it properly.——It serves no purpose to cry out against government and officers if we don't properly bestir ourselves.

One reason why we have so few men who concern themselves properly in maintaining our rights, is a very capital error that prevails among most dissenting sects, that this is a business that belongs to the world.

Christians is the light of the world——this is a most certain truth; and when the state is deprived of the light of so many christians as is among dissenters, her light becomes almost quite darkness. For there is a certain proportion of christians in all ages who ought to be the light of the world, and to govern the churches. The government of their particular churches, set up among one another, is only helps to the government over the whole; and is no ways different in its nature. So that if it is necessary to choose christians to sit in synods, presbyteries, associations or yearly meetings, so it is necessary to have such in assemblies.

I shall now proceed to the 3d head, to consider of a method to remove these burdens.

When the time of an election comes on, and those men of the world, who rule by wealth, and whose business it is to corrupt their fellow subjects, and cheat them by flattery and corruption; out of their liberty come to ask your votes,—— do you despise their offers, and say to them, Your money perish with you.

Can it be supposed that such men will take care of your interest who begin with debauching your morals, and ruining your souls by drunkenness?—Will that man have the least regard for your civil interest and property who first attempts to ruin your virtue?—— What opinion must they have of such people, who, for a few days riot and [91] gluttony will sell their liberties, but that they are asses, that want to be watered?

While men are thus slaves to their lusts, they will never be free. Men that do so easily sell their souls will not value their country. ——Where there is no virtue, there can be no liberty;——it is all licentiousness. What Issachars are such People who gives their votes for a man who neither fears God nor loves mankind! who, by the very method that he pursues to obtain his election, deserves to forfeit the favour and esteem of all lovers of virtue and honesty. Whom can they blame for their oppression but themselves; their own hands do make the fetters by which they are bound. Those who lay out so much money upon an election, has it in their view to make you pay

for it in the round. Secondly, Forever despise that man who has betray'd the liberty of his constituents; this will lay a restraint upon the venal disposition of such as Incline to sell their country for Preferment. It would be a check to hinder them from going into the schemes of a Governor.——Never send those who depend on favour for a living, or on the perplexity of the laws, nor any who have ever discovered a want of good principles.

North-Carolinians, if you remain under these burdens, it must be your own faults;——you will stand recorded for asses to all generations if you do not assert your privileges before it is too late to recover them.

It is not disloyalty, nor injurious, to give Instructions to the candidates you choose, and take their solemn promise and obligation, that they will follow those instructions. This is far more noble than rioting a few days in drunkenness. Assemblymen are your servants, and it is but reasonable they be made accountable to you for their conduct.

Mark any clerk, lawyer or Scotch merchant, or any sect of men, who are connected with certain [92] companies, callings and combinations, whose interests jar with the interest of the publick good.——And when they come to solicit you with invitations to entertainments, &c. shun them as you would the pestilence.——Send a man who is the choice of the country, and not one who sets up himself, and is the choice of a party; whose interest clashes with the good of the publick. Send a christian, or a man whom, you think in your consciences is a real honest good man;——for this is the christian, let his belief, as to creeds and opinions be what it will.

Beware of being corrupted by flattery, for such men study the art of managing those springs of action within us, and will easily make us slaves by our own consent.——There is more passions than one that these men work upon; there is drunkenness, love of honour, flattery of great men, love of interest, preferment, or some worldly advantage.——They, by taking hold of these springs within us, insensibly lead us into bondage.

When any man, who has much of this world, so that his interest weighs down a great number of his poor neighbours, and employs that interest contrary to the principles of virtue and honesty, any person of the least discernment may see he is a curse to the nation.

When men's votes is solicited, or over-awed by some superiors, the election is not free.——Men in power and of large fortunes threaten us out of our liberty, by the weight of their interest.

North-Carolinians, Are you sensible what you are doing, when, for some small favour, or sordid gratification, you sell your votes to such as want to inslave your country?——you are publishing to all the world, that you are asses.——You are despised already by the sister colonies.—You are hurting your trade; for men of public [93] generous spirits, who have fortunes to promote trade, are discouraged from coming among you.

You are also encouraging your own assemblymen to inslave you; for when they, who are elected, see that those who had a right to elect them had no concern for their true interest, but that they were elected by chance, or power of their own, or some great man's interest, such men will be the more ready to vote in the assembly with as much indifference about the interest of their constituents as they had in voting them in.

You may always suspect every one who over-awes or wants to corrupt you; the same person will load you with burdens. You may easily find out who was tools to the governor, and who concurred in past assemblies to lay burdens on us, the edifice, paying the troops, the associates salaries, &c. Send not one of them ever any more; let them stand as beacons; set a mark on them, that ages to come may hold their memories in obhorrence.

May not Carolina cry and utter her voice, and say, That she will have her publick accounts settled; that she will have her lawyers and officers subject to the laws.——That she will pay no taxes but what are agreeable to law.——That she will pay no officer nor lawyer any more fees than the law allows.——That she will hold conferences to consult her representatives, and give them instructions; and make it a condition of their election, that they assert their privileges in the assembly, and cry aloud for appeal of all oppressive laws.

Finally, My brethren, whenever it is in your power, take care to have the house of assembly filled with good honest and faithful men; and encourage and instruct them on all occasions: And be sure to let your elections be no expense to them.

[94] S E R M O N II.

NUMB. xxii. 21,—30.

And Balaam rose up in the morning and saddled his ass, and went with the princes of Moab.—And the ass said unto Balaam, Am not I thine ass upon which thou hast ridden ever since I was thine?

There must be some matter of importance on hand, no doubt, when a man of Balaam's character is up so early.——The king of Moab had sent for him, promising him riches and honour on certain conditions, *to wit*, if he would come and curse Israel.

The leaders and teachers of people in all ages have been well disposed to serve men in power.——We have seen the leaders of divers sects of christians, who was lately employed the same way;——But it is necessary to know first what this curse meant.

The greatest part of states-men in almost every age meant no more by religion than to make it an engine of state-policy, or a tool of secular interest; for the common people will not always submit to the oppressive means of rulers, without the help or the influence of their own teachers.——And we must observe, that though Balaam seems not to have been of the same religion of the king of Moab, yet many, or the greatest part of Balak's subjects, might have been of Balaam's religion, which made it necessary for the king of Moab to apply to him.

Had we as many to instruct us truly, as in fact we have to seduce us, we should find things very different from what they are;——for when both the civil and religious rulers are engaged in one interest to seduce mankind, if the Almighty was not at the head of the administra[95]tion, it is hard to say where the end might be.

Well, by the correspondence between the king of Moab and Balaam, we find the concern was about the growth and advances of an ignorant people, who had lately revolted from under their task-masters, the Egyptians.

Well, Balak, was it from thee, and thy prophet Balaam, that states-men have all learnt to apply to the prophets of all or any religion to curse and give a bad name to God's peculiar and chosen people; which all such are, who engage together to throw off the

yoke of slavery, and are advancing from under Egyptian bondage to a land of freedom and liberty?

Whether they learnt it from thee or not, they have never failed to join in an alliance on such occasions.

Israel, no doubt, had a good name among the king of Moab's religious subjects; for such would naturally, from a love of liberty, incline to favour Israel, and encourage them in their journey, rather than hinder them.——Therefore there must be some method found out to give them a bad name. Sermons must be calculated to render them odious, before he could raise troops, or raise his militia against them.——This was the curse Balak says, them whom thou cursest is cursed;—that is, give them a bad name, and preach against their proceedings, and all thy followers will engage with spirit and resolution against them.

Something like this we have seen in our day. Perhaps it happened with Balak (which obliged him to have recourse to Balaam) as it did with the officers of our province, in the case of the regulation, that was, that his own prophets, perhaps of the established religion, told him, if he would do justice, and act fair and reasonable with those people, he need not raise a man against them.

[96] It is a wonder Balaam, who by all likelihood, was a dissenter, who generally are looked on to be more pious than those of an established religion, should thus fall;——but Balak tempted him with honour and riches.——A very strong temptation I confess, besides the novelty, for I suppose Balaam never received a letter from a governor before in all his life, nor ever had the honour to dine with one before.

Most people I find account Balaam a wizard or conjurer, rather than a good man;——for my part I see no reason from the Scripture account of him to think so, but that he had hitherto been a very good man. And though he was too far taken in this snare, yet he seems to have struggled hard, and stood to the truth, to the last, inasmuch that he lost his preferment.

If Balaam must be accounted such, a very bad man, because he fell before this temptation, what shall we think of our modern prophets, who did not hesitate one hour, but joined with a much less temptation, (honour only, for I never heard of any money) and made no bones to curse, or give a bad name to a similar people; yea cut off

some of their own members, and join with a sett of under officers, whose actions and extortions the laws, though handled by themselves, have condemned; and were it possible to reach the Royal Ear, with our just cries against them, He would abhor and detect their wicked combinations. Balaam, I confess, loved the wages of unrighteousness too much; his conduct with the Almighty seems to have been similar to some men who have too strong a desire after drink, or to gratify some other lustful passion, who will plead with conscience, and contrive a hundred ways to gain its consent.—I have heard a drunken man say, he has made excuses in himself to go out with his gun, and kept working all day in his mind, till he had got the tippling-house between him and home, when he has instantly got in a great [97] hurry to get home by the dram-shop, and arguing, that now he really needed one dram;—has got so blinded by this time as, like Balaam, no more to see the angel that stood in his way.

We generally get in a hurry of business before we can lose sight or get shut of our guide.—Lo, Balaam gets in great haste, was up early, and saddled his ass.

And no doubt but his heart was full of the hopes of the rewards, full of great expectations, and perhaps was telling over in his mind what large sums of money he should bring home, and how he should be honoured by the princes of Moab; and meditating, may be, what a pious work he would put the money to.—The lord had given him leave to go, but no doubt he ought to have kept cool and resigned, and not have got in such a hurry, and filled his mind with such proclamations, that he could not see his guide that was to direct his steps. Well, he is so blind, however, that conscience was invisible to him,——when, on a sudden, the ass started aside, and crushed his foot against the wall.

This ass seems to resemble the people over whom the prophets are wont to rule, who never are apt to start aside any more than asses, until the madness of the prophets become so visible, that forces one now and then to reprove them, who, perhaps, never opened their mouths before.

When the Lord opened the mouth of the ass to speak in human stile, one would have thought it would have frightened any man almost out of his senses.—But Balaam was not easily frightened, but he was for caining and killing her.

So when any poor ass now a-days opens her mouth in human stile, or by way of teaching and reproving the rulers, they use him as Balaam did his ass, cane him with discipline, and threaten [98] him with excommunication as the pharisees did the man who was born blind.

And Balaam's ass spoke much like the complaints of an inslaved people.——Am not I thine ass?

Balaam had his ass saddled and prepared for mounting before he got on to ride;——so like-wise it requires some pains and furniture to prepare a people to bear a yoke of slavery.——In the civil administration, their general cry is to maintain courts of justice.——In matters of religious concern, it is necessary to have the people well perswaded of the rights and importance of the clergy, and the divinity of creeds and canons of churches, before they will submit to be mounted and ridden like asses.

The Jure Divino of episcopacy and presbytery are pieces of furniture that prophets prepare for their asses.——And when once they can perswade the people they have power to make laws that binds the consciences of the whole community, they have the seat of their saddle made.

Then they must have a deal of straps, girts and other furniture, as well to bind it fast on as to sit easy, commodious and decent;——besides, a staff in their hands to belabour such asses as start aside.

The discipline of churches, by which they issue excommunication and censures, resemble this staff; for it is evident, when christians begin to think for themselves, and question the infallibility of any of their laws or creeds, if they are ever so well convinced in their own minds, or if conscience stand ever so much in their way, as the angel before the ass, it is no matter of consequence to the prophets that rule them, they must suffer for their impertinence, and be belaboured for their disobedience.——And many complain as simple as the ass,——are not we your asses?

[99] There are some that start now and then, who continue on their way; they are ever crying out against degeneracy in churches and church governors, but continue good subjects, and bear all their impositions.——These are braying noisey asses its true, but they mean nothing.——If they are started now and then by conscience,

God's messenger standing in their way, yet a degree of sound discipline, which may affect their reputation or worldly interest, will make them return to the old path, and say, are not we thine asses; and be ready to make some other apology besides the truth for their conduct?

The articles and creeds of some churches;—and the Confession of Faith and Order of Baptism among the Presbyterians;——and the book of discipline, fringed with Barclay's Anarchy of the Ranters, among the Quakers, are like the two great laps of Balaam's saddle;——all which is to be well girted on by the strong terms of words; agreement of the Westminster Divines;——authority of the wisdom of the truth, &c.——By such trappings as these, the clergy is supported; for they could not ride without their saddle.

Were the common people once to receive nothing as their creed but the Scriptures, the clergy would soon have no more authority than what their good service and good conversation procured them.——Good men will always respect them as long as they are examples of goodness, and condescend to men of low degree; but will laugh at clerical jurisdiction, and reject all religious dictators.

When mankind are once instructed in their natural and constitutional rights and privileges, they will not only complain, but struggle hard to get clear of oppression.

Wise men know what it is to obey just laws, but will never tamely submit to slavery and bondage; to submit to arbitrary government without re[100]sistance, argues the want of a sense of the rights of human nature, and of our constitutions.

The first slavery that men are generally brought under, is that of the mind; for while the mind acts freely, and is kept clear of the chains of ignorance and prejudice, it would be very difficult to enslave them.——It therefore requires the aid of false Teachers to seduce mankind before a state can deprive them of their civil liberties and privileges. It is a most certain fact, though not often noticed, that the blending of civil and religious offices, sacred and secular things, has been an introduction to slavery in all nations where arbitrary government has been introduced.

When ministers assume the province of a magistrate, to make laws, and punish dissenters, they come lords over the people in a double respect;— then men will not dare to express the Truth; because of a double danger of being heartily cursed by the priest, and

severely punished by the magistrate; the mind being thus cramped in her operations, turns servile in her affections; the consequence is ignorance and bondage.

This alliance also makes the teachers indolent in the discharge of the most material part of their duty; which is to instruct men in the Principles of knowledge, and free their minds from the power of ignorance.——This they cannot do without first teaching them the rights of private judgment, and the liberty they have of judging for themselves in all things which respect the conscience. But when their advantage does not rise from their instructing mankind, but in keeping them ignorant of their true interest, they will seldom be disposed to teach them what would soon let them into the secrets of their policy.——For did men understand their own liberties, the clergy would have no asses to ride upon to carry them to riches and preferment.

[101] If mankind considered themselves equally concerned with what pertained to their conscience, and that they must answer for themselves in the day of judgment, they would never give consent to such an alliance, where the right of individuals to judge for themselves in matters of the last consequence is entirely taken away.

It matters not a pin what religion it is that is established; for if the civil power would make a law for circumcision, and annex emoluments to it, the prophets would train asses to submit to the slavery.

Even among dissenters, where the clergy get money only by voluntary consent, it is evident that too many men of hypocritical and corrupt principles do creep into these livings: And though many more make a pretty good figure of christianity in common calm times; yet when Balak tempts, or persecution threatens, they give way.——None but a true minister of Jesus Christ will venture their lives and fortunes for the sheep, or for their privileges and liberties;——and this number is generally very small, while the others are very numerous, by reason they have so much encouragement; for there is scarce a man, of ever so mean a character, who assumes the prophet, but will find plenty of asses to answer his purpose.

But who would think that any of this character could be found in America, the very toast of nations for pretensions to freedom and liberty?——Yet, true it is, herein we may find slaves in abun-

dance; and more particularly in this province. Here we shall find men called freeholders, voting contrary to their consciences, bearing burdens like Issachar through their own sloth and want of spirit. — Here we may find justices of the peace who dare not discharge their consciences, nor make use of their own judgments to administer justice, for fear of the power and frowns of lawyers. — Here we shall find [102] men called free-thinkers conforming to other men's creeds. — Here you may find oaths and tests imposed to keep conscientious good men from serving the publick. — And here you may also find many of the sons of Balaam to break the stubborn and perverse temper of untractable asses, having in custody all the trapping and furniture fitting to keep them in order. — Here you find some staggering under a burden of taxes; — Some under restraints not to speak, or even swear the truth; some with articles of religion, some with tests, some with creeds and covenants, and some with oaths; and upon the top of these burdens, in order to guide the asses, some of Balaam's children always sitting: Who, at every threatening of their tyrannical masters, after starting a little, returning and saying, Are not we thine asses, upon which thou hast ridden ever since we were thine?

The E N D.


P. S. There is one thing more that I think necessary to inform the publick of, which is this; When we were so discouraged and attacked by our officers, Scotch merchants and Balaams, as you may see before, and at the meeting of 21st of May, No. VII, We at that meeting came to a resolution, that if the governor was against us, and we could get no redress no way, we would, rather than rise in riots, agree not to go to law at all, but leave our Differences to arbitrations; and accordingly we had a subscription paper for that purpose: But when it was read, our opposers seemed to resent it as more criminal than all we ever had done before. — Howell,³⁸ who waited on the Governor at Brunswick, had this paper with him; and as he was complaining of the court, &c. the governor says to him, Why does the people go to law one with another? if they get so little justice at the law, can't they leave their differences to arbitration.

[103] Howel replies, We intend to do so, and have a paper drawn up for that purpose; which, if your Excellency pleases, you may

³⁸ Rednap Howell, the poet of the Regulators.

peruse, and give it your approbation.—The Governor read it, and got in as great a passion with it as our officers did; and ordered Howel to burn it,——which I suppose he did; for it was never seen among us since.—But at our last sitting in Assembly, we having sent a bill to the upper house for a single justice to try Five Pounds and a Bill laying greater Penalties on lawyers for extortion, and for better explaining the former law in that case;—But as the bills were detained, the same expedient presented itself to the members, and a large number out of the house concluded to enter into such a resolution to recommend it to their constituents not to trouble the law at all, and so starve out our adversaries, similar to the general resolutions of non-importation of British goods.—But many being taken sick, and the Governor dissolving them, every one being in a hurry home, I suppose it was forgot.

I being informed that the very same thing was on foot in several counties in Maryland, and on my relation of these motions with us, the Marylanders begged me to push that motion, for that if ever it took place in one province it would take immediately in all; for that the Oppression we sustain by the lawyers combinations, and usurpations over the law, and ingrossing the whole business of the courts into their own power, is one of the greater evils we labour under, and are in danger of; therefore I have accordingly added this to remind our members, and their constituents to give them in charge, not to forget this another time.

 The reader may easily observe, the foregoing piece to be an unfinished work, not only because the scene is not ended, but, even so far as we have gone, it is like a rich lady stripped of her rich attire and ornaments, and reduced to the [104] habit of a slave; or like a confused handful of rich kernels picked out of the sheels.——The occasion of which was the necessity we were in to pick out only the most material parts of what would have afforded a much larger and necessary piece, and that not only to save the expense, but, in reality, because we were pinched for time and opportunity.——So that we expect this affair will not end without further particulars worthy of notice; which, perhaps, will be hereafter published with a second edition of this with an addition of its ornaments and attire.

To fill up this last half sheet, we will add so much of a piece that our Governor sent to our last assembly as we can insert in it; which

will show that our jealousies of the bad application of the publick money were well grounded; the piece is as follows, viz.

*North-Carolina, Newbern, October 31, 1769.*³⁹

The Fact is too well known to admit of a Denial, that in a long Course of Years past, great Sums of the Public Money have been lost by the Negligence or Insolvency of Sheriffs, and other Collectors, with their Sureties.

And it is presumed, that in the same Course of Time, considerable Sums have sunk, after they were lodged in the Public Treasury, whereof no Account has hitherto been made.

A Law of this Province, lately passed will, if executed with Vigour, probably, in a great Measure, prevent, for the Time to come, the first of these Mischiefs; and a Law to prevent the latter, might be of great public Utility, for Mankind never part with their Money, either for private or public Benefits, so readily, as when assured that it must be honestly applied for the Purposes intended.

A constant, regular, plain, and uniform Method of keeping the Books of Accounts of the Publick Revenue, and of stating and settling these Accounts, may prevent such Abuses, and make it extremely difficult, if not impracticable, to embezzle the Public Money.——

³⁹ An extract from Governor Tryson's Memorandum; *Colonial Records*, Vol. VIII, p. 94

IX

A FAN FOR FANNING AND TOUCHSTONE TO TRYON^d
ETC. (1771). BY HERMON HUSBAND.

INTRODUCTION

This pamphlet, like the preceding, has for its subject-matter the Regulation. It was published originally in ten separate numbers which were then bound into one. The contents, however, are not so original as the *Impartial Relation*, much of its information being derived from the earlier tract. Questions regarding publication are perplexing. As the title-page indicates, it was issued in Boston in 1771, at "the Printing-office opposite the seat of William Vassel, Esq.; at the head of Queen Street." But who was the proprietor of the "Printing-office" is uncertain. He was probably Daniel Kneeland, who in 1771 advertised as "Printer, head of Queen Street,"¹ and Queen Street, previously called Preson Lane, is today Court Street. William Vassel lived almost opposite Court Street, at Pemberton Square. On the other hand, tradition has held that Isaiah Thomas published *A Fan for Fanning*. This is based primarily on the fact that his newspaper, the *Massachusetts Spy*, carried on October 17, 1771 the following advertisement:

Boston, October 17th, 1771.

Now preparing for the PRESS, And will be published in Numbers, weekly.

A FAN for FANNING, and a TOUCHSTONE to TYRON, being an Account of the Rise and Progress of the so much talked of REGULATION in North Carolina; which ended in a civil War; the first perhaps ever heard of in America, among those who call themselves Christians; and may an overruling hand of Providence so order the affairs of government as that it may be the last. It will be published in half sheets, in such manner as that when compleated, it may be bound in a small octavo volume. It will come out on Fridays, and may be had the Printing-office at the head of Queen-Street, for so small a price as 2d. lawful each number.

N. B. The first number will come out tomorrow week.

One week later, October 24, this advertisement was repeated, with a postscript that "the first number will come out tomorrow"; and in the issue of October 31 it was again repeated with a postscript that "the first number came out last Friday." Thus, at least, the actual date of the publication of the first number is ascertained, which was October 25, 1771. Moreover, Isaiah Thomas might have had an interest in affairs in North Carolina. His paper was established in March 1771, and in the seventeenth issue, that of June 27, there was an account of the measures taken against the Regulators with a denunciation of Governor Tryon, signed "Leonidas." When a copy

¹ *Mass. Gazette and Post Bay*, Feb. 18, 1771.

of that issue reached New Bern, a public meeting was held at which resolutions were adopted vindicating the character of the Governor and requesting that the copy of the *Spy* be "publicly burnt under the gallows by the common hangman." Indeed, according to the *Boston Gazette*, Thomas himself was burned in effigy.¹

However, other Boston newspapers also noted the appearance of *A Fan for Fanning*, notably the *Gazette* on October 21 and November 4. Finally, Thomas's printing house in 1771 was on Union Street until November, when he moved to Marshall's Lane. As neither of these places is near the Head of Queen Street and there is no evidence that he printed elsewhere during an interval, we must conclude that Kneeland, not Thomas, was the printer of *Fan for Fanning*.

There is nothing distinctive regarding the type and printer's ornaments in the pamphlet: both are common to the presses of that day.

The *Fan for Fanning* was once reprinted, in the *North Carolina University Magazine*, Vol. VIII (1858-59). Only one copy of the original edition is listed in the published bibliographies and that is in the Library of Congress; by permission, it has been followed in this reprint.

For information regarding the Boston printers, I am indebted to Mr. Worthington C. Ford, of the Massachusetts Historical Society, and Mr. C. S. Brigham, of the American Antiquarian Society.

¹ *Colonial Records of North Carolina*, X, pp. 1010-1024.

A F A N
F O R
F A N N I N G,

A N D

A T O U C H - S T O N E
T O
T R Y O N,

C O N T A I N I N G,

An IMPARTIAL Account of the
Rise and Progress of the so
much talked of REGULATION
in NORTH-CAROLINA,

B Y R E G U L U S.

B O S T O N :

Printed and Sold at the Printing-Office, opposite the Seat
of WILLIAM VASSALL LAY; at the Head of Queen-
Street. 1771.

INTRODUCTION.

(No. I.)

It will be readily granted, that the task of an Historian is a difficult one, and that because of its being almost impossible to obtain good, and proper information; nor does this always arise from a design to deceive in them, who furnish materials for History; but from an aptness in Men to inform us, not of the facts as they are in themselves, and immediately connected with their circumstances and causes, but of the impressions made upon their minds, by the effects of civil and political conduct. Hence it is, that one Historian is called a Jacobite, and a Tory, and another a Whig, and a friend to his Country, and an impartial writer; when such declarations do not ascertain the real character of the writer, they serve only to inform of what side and opinion He is, whom we hear thus judging, and what are the feelings of his mind. But however difficult the task, the advantage of having even an imperfect History is so great as to be a sufficient counterpoise, and determine them, who have it in their power, to inform their Country, as fully as they can. And this it is that hath prompted me to undertake to give an account [v] of what has been called the Regulation in North-Carolina.

I Have no fondness, with Authors in general, to preface the Work, by telling the reader, that he has nothing to expect, that I am engaged in other Avocations, &c. Because I think that an affront to Men's understandings, and is in other words saying, that the Book is not worth a reading. I intend to do the subject all the Justice I can, and leave all to judge of the merit of the Work for themselves.

I Will also let the reader know my authority. I have, in my Hands, an account of all the affairs in Orange-County, in which place the Regulation has made the most noise. It was written by one who speaks thus of himself, viz. "The truth of the whole cannot be denied; but if it should, this I am sure of, that I never can be convicted in myself, wilfully and knowingly, either of having concealed a truth, or of setting forth an untruth. And likewise, that I have been so well acquainted with the whole affair, that I think

“no Man in the Province could give a better (that is a more authentic) relation of the matter.”¹

It is often a Question with readers who is the Author? For answer, in the present instance I can inform them, that the Author above quoted, was esteemed a good, sensible and honest Man in the place of his nativity. One anecdote of his Life will give the reader an idea of the Man. He is the eldest Son of a reputable Farmer, who died suddenly possessed of a large landed interest, and without leaving a Will. Which interest, by the Laws of the Province in which he had lived, fell to the eldest Son, our Author, who was, at the time of his Father's Death, in North-Carolina, where he had, with much industry and care, made a good Settlement for himself and family. Upon the death of the Father, the rest of the children sent for their elder Brother to come and take possession of, and settle their Father's effects. He came, and finding that his Father had made no Will, said, “It could never have been the intention of my Father, that I should have all his landed Estate, and my Brothers and Sisters none.” Therefore, he sold the whole Estate, save a small Farm, or tract, of about 200 Acres, which his Brethren and Sisters desired him to keep, and made due distribution of all the Monies arising from the sale of said Lands, to the great satisfaction of all his Brethren and Sisters. This shows that he was a *Just* Man, and one that loved Virtue more than riches.

I am the more pleased with this part of our Author's character, as a similar conduct, in the character of the great Philosopher, Doctor Francis Hutcheson, Professor in the university of Glasgow, is much magnified, and pointed out as a remarkable and almost singular instance of disinterestedness.

Having known something of our Author, it may be proper in the next place, as leading to our principal subject, to say something of the settlement and inhabitants of North Carolina. Its name points out the Prince that granted the Charter of the Province, who was Charles the Second. After his restoration to the Crown of England. The [vi] grantees were the Earl of Claradon, Duke of Albemarle, Lord Craven, Lord Berkley, Lord Anthony Ashley Cooper, Sir George Carteret, Sir William Colleton, and their Heirs. The patent or grant appears to have been an *Exclusive* one; for the first Govern-

¹ This is Husband himself, the quotation being from the introduction to the *Impartial Relation*.

ment was a kind of sovereignty; but this kind of regency proving very troublesome, the proprietaries, all save one, sold the Lordship to the Crown, and it has ever since been a royal Government. It was settled, as most new Countries are, by those who *would not live in their OWN PLACE*; who sat down upon the Sea-Coast, or places contiguous to navigable Water. And such has been the fate of Newbern, and other places, in North-Carolina, that for many Years they were accounted an Asylum for all such as fled from their Creditors, and from the hand of Justice, and such as would not live without working elsewhere. Men regardless of religion, and all moral obligation. Hence it was, that refugees from the western Governments, and from *Connecticut*, found a safe retreat in North-Carolina; particularly on the Sea Coast, and places adjacent. The settlement of the inland Country has been very slow, till since the last War, when families from Virginia, Maryland and, the lower government, Pennsylvania, Jersies, New-York &c, have moved down, five or six hundred in a season; by which Orange County was populated; and by good industrious labouring Men; who knew the value of their property better than to let it go to enrich, Pettyfogging Lawyers, extortionate and griping publicans or Tax gatherers, and such as delighted in building Palaces, at the expense of the honest Farmer, and Tradesman.

[vii] The above picture may perhaps be supposed too strongly represented, the dark part set too much to view. And therefore drawn by the pen of bitterness. If such thought should occur to any reader, I have only to ask of him, that he would suspend a judgment in the case, until he has heard the whole matter, and if then he shall think the writer deserving censure, he will please to remember that he who has seen, and heard from the sufferers own mouths must have feelings different from him who reads only, and that with a persuasion, that a bad story, however true, ought not to be told, especially when it effects publick characters.

The writer has tho't it proper to give this short general description of North-Carolina, to prepare the mind of the reader, as well as to enable him to form a right judgment; as many things will occur in the course of these papers, that to a Man of Massachusetts will seem *unaccountable*. And perhaps nothing more so, than that from the year 1765, the people in different parts of Carolina, appear'd against,

openly against the most flagrant breaches of all law, on the side of the civil officers, and were not able to obtain any the least relief; and their complaints beginning at that time, show that the oppressions were of older date, and makes it probable that the Æra of Carolina's misery commenced at that period, when the great Col. Fanning, and the Magnanimous Gen. Tryon, mistaking the designs of nature, in their formation, by a marvellous Metamorphosies became Politicians.

One hint I think necessary to give the reader in this introduction, and that is, that Gov. Tryon does not appear to have acted in any part of his character which concerned the Regulators, under [viii] ministerial influence, save what might have been the effects of his own, and his Tools representations to the King's Ministers; but rather appears to have been so great a Fool, as to have been led by Fanning, or that he and Fanning with the rest of the civil officers were leagued together, Knaves alike, to fleece the people that they might build palaces, &c. For Fanning, when he arrived in Carolina, seven or eight years ago, was poor; he had before he left Carolina, the last summer amass'd a fortune, of near ten thousand pounds Sterling, and all out of the people, as will appear by and by.

How unfortunate is that Prince, who is sorely wounded thro' the side of base designing wretches, who prostitute all things sacred and civil to deceive their King, and to get into places of important trust; and because they have spent much time in basely sycophanting to a noble Lord, and prostituting the honour and virtue of their family connections, when in place, run hard to bring up lost time, and the King's good subjects are made their beasts of burden and of prey.

How fortunate, on the other hand, is that Prince, and happy the people, when he that governs, is a wise and good man, and one who knows the bound of the peoples privilege, and limits of the rulers power. Should not they who are thus happy, prize and love such an one, and in every instance avoid giving him pain, remembering his anxiety and solicitude, for the prosperity of the King, his Master's subjects.

To be Continued Weekly, on Fridays.

A Fan for Fanning, and a Touch- Stone to Tryon. (No. II.)

It was said, in No. I. That the Inhabitants of North-Carolina in general, had not any just sense of religion, and that disturbance existed on account of the oppression of the people, long before the regulation, or any such thing took place in Orange County. For the first of these the writer can declare from his own knowledge, to which he will add the testimony of a North-Carolina Man, in his own words; with this observation, That although to argue from particulars to universals, be inconclusive, logically speaking; yet in the instance before us, and in the instance similar to it, we may, because we judge right in determining the disposition of readers by the composition that pleases them.

The testimony above adverted to, is taken from a Granville paper, and is intitled, "A serious address to the Inhabitants of Granville County, containing a brief Narrative of our deplorable situation by the wrongs we suffer" "And some necessary hints, with respect to a reformation."²

The writer of said piece having spoken on the nature of law in general, and of the laws and con[10]stitution of North-Carolina in particular, showing the excellency of the constitution, proceeds, in his address to the people, thus, "Well, Gentlemen, it is not our form or mode of government, nor yet the body of our Laws, that we are quarrelling with, but with the Male-practices of the Officers of the County Court, and the abuses we suffer by those that are impower'd to manage our public affairs; this is the grievance, Gentlemen, that demands our serious attention. And I shall show you that most notorious and intollerable abuses have crept into the practice of the Law, in this County, and I doubt not into other Counties also; though that does not concern us.

² Reference is to Sims' *Address to the People of Granville County* (1765); see no. VI of this Collection, p. 182.

In the first place, there is a Law which provides, that every Lawyer shall take no more than fifteen shillings for his Fee in the County Court. Well, Gentlemen, which of you has had his business done for fifteen shillings? they exact thirty for every Cause; and three, four, and five Pounds for every Cause attended with the least difficulty; and, in the Superior Court, they exact, as Fees, almost as many Hundreds; and laugh at us for our stupidity and tame submission to these damn'd, &c.

Again, a poor Man gives his judgment Bond for five Pounds; which Bond, is by the Creditor thrown into Court. The Clerk of the County has to enter it on the Docket, and issue Execution, the work of one long Minute, for which the poor Man has to pay the trifling Sum of *forty one Shillings and five pence*. The Clerk, in considera[11]tion of his being a poor Man, takes it out in work, at eighteen pence a Day. The poor Man works some more than twenty-seven Days to pay for this one Minutes writing.

Well, The poor Man reflects thus. At this rate when shall I get to labor for my Family? I have a Wife, and a parcel of small Children suffering at home, and here I have lost a whole Month, I don't know for what; for my Merchant, or Creditor, is as far from being paid as ever. However, I will go home now and try, and do what I can. Stay Neighbor, you have not half done yet. There is a damn'd Lawyer's Mouth to stop yet; for you impower'd him, to confess you owed this five Pounds, and you have thirty Shillings to pay him for that, or go and work nineteen Days more; and then you must go and work as long for the Sheriff for his trouble; and then you may go home, and see your Horses and Cows sold, and all your personal Estate, for one tenth of the Value, to pay off your Merchant. And lastly, if the Debt is so great, that all your personal Estate will not do to raise the Money, then goes your Lands the same way, to satisfy these cursed Caterpillars, that will eat out the very Bowels of our common Wealth, if they are not pulled down from their Nests in a short time. And what need I say to urge a Reformation? If these things were absolutely according to Law, they are enough to make us throw off all submission to such tyrannical Laws; for were such things tollerated, it would rob us of the means of living; and it were better *to die* in defence of our Privileges, than to perish for want of the means of [12] subsistence. But as these practices are contrary to Law, it is our duty

to put a stop to them before they quite ruin our County; and before we become Slaves to these lawless Wretches, and hug our Chains of Bondage, and remain contented under these accumulated Calamities.

I Believe there are few of you that have not felt the weight of these iron Fists. And I hope there are none of you but will lend a hand towards bringing about this necessary work, (viz. a reformation): And in order to bring it about effectually, we must proceed with circumspection, not fearful, but careful.

First, Let us be careful to keep sober, do nothing rashly; act with deliberation.

Secondly, Let us do nothing against the known established Laws of our Land, that we appear not as a faction endeavoring to subvert the laws, and overturn the system of our government. But let us take care to appear what we really are, *Free Subjects by Birth*, endeavoring to recover our lost native rights, and to bring them down to the standard of Law”.

So far the Granville paper; from which it appears, that there have been the same evils elsewhere with those which produced uneasiness in Orange County. And that they never thought of destroying the Constitution, as has been said by G-v-r T-r-n’s Tools.

The Writer of the above cited address to the Inha[13]bitants of Granville was indicted for libelling the Officers, &c, and imprisoned. This happen’d in the Year 1765. And the law-suit was not ended in the beginning of the Year 1770.

In consequence of the above address, &c. the people of Granville, petitioned the legislative Body for redress of grievances, and against the male-practices of the Officers. The consequence of which was, that the Officers sued the Petitioners, and brought their Actions against them as Libellers; which action shared the fate of the former, i. e. was in suspense in the year 1770. The Officers in the mean while, carrying on their old Trade of oppressing and griping the poor Inhabitants. Nor did the evil arise from Lawyers, &c. demanding exorbitant Fees, and refusing to do the peoples business until they had what they asked; this perhaps may be answered with a *Let them not employ Lawyers*; but they must employ Clerks to register their Deeds, &c. and these men have demanded six times the legal Fee, and will not do the business for less. And what is the consequence? The Land becomes forfeit. The Clerks, and Lawyers, &c. watch their

opportunity and seize the forfeiture and possess the Lands, and the people, when they have improved them must turn out, or pay for them the demand of these Men. These, I say, were not the only evils complained of; great levies were raised from the people, and no accounts given for what use. And therefore it was, that not only Granville, but the Counties of Brunswick, and Cumberland, in the year 1766, refused to pay the Tax-Gatherers; nor was their refusal treated with [14] sword and cannon; be the reason what it may, perhaps these Tax-Gatherers had not yet let G. T. into the secret of getting rich at the expense of the people, under the plausible pretence of raising publick monies. Perhaps conscious guilt stopt their mouths. Whatever the reason, it appears that there was no publick resentment (resentment of Government) expressed until Orange-County began to be uneasy, and would no longer bear Oppression; similar causes producing similar effects; Orange, without even knowing the state of the other Counties, attempted, as they say themselves, "to plead their own Cause at the bar, against Extortion", at which time, some persons from the borders of Granville told them "they feared *that* matter would ruin some of them, for that just such a cause had been undertaken in Granville County some years ago, and that they were at Law about it to that day". But why so displeased with Orange-County, and not with the Rest? No other County was bless'd with a FANNING, whose rigid Vice could not brook a Detection; and whose despotism would not suffer him to think the men that chose him their Representative *His Equals*, whose proud Heart would not bear the instruction of *His Constituents*; for this seems solely to have been the Cause of his high Dudgeon; though we will not say, that there was not a design formed particularly against Orange County, because the body of its Inhabitants, were Dissenters from the established Church of England. If there was no such Design, why were not Granville, Brunswick and Cumberland, where Quakers and Baptists are not so numerous, treated with the lenient Measures of Powder and Ball. If there was no Design [15] why did Fanning project the Scheme of a College, and form a Plan, which in itself, if not altogether impracticable, was most absurd, He, in the Charter of which, places himself at the head of the institution, *an Excellent Chancellor of a College*, and the Rev. Joseph Alexander, next to himself, in the Faculty. What was this for, but to bring over

the Presbyterians to his side, against their Brethren of other Denominations:³ And with the same spirit and Design, the Gov. gives Commissions making one Col. Alexander, and another Capt. Alexander, another Alexander Esq. Justice of the Peace, &c. &c.—And all this to *take in* a large body of Presbyterians, settled in Orange-County since the last War, that they might be ready Tools of the Junto, to serve as pack-horses, to do their drudgery; and this unriddles the affair of “*Thousands coming in and taking the Oaths to Government*”, those who had been bought by Commission and Professorships in this, curiously projected, Fannian College, this Castle, or rather College in the Air; *they came in* and took the Oaths to Government, and poor, ignorant people, dependent on Esq; such a one, Col. such a one, they follow, and Gov. T——n has the Satisfaction of seeing hundreds daily coming in and submitting, many of whom, would for a morsel of Bread take the Oaths to Gov. T——n to Day, to the Pope tomorrow, and for a bottle of Rum, to the grand Turk the Day following.

Having taken this general view of the state of Affairs in North Carolina, from which it appears, that there was a general oppression exercised upon the People, whether the effects of a concerted scheme or no, let every one determine for himself; [16] we return to the affairs of Orange County in particular. The Inhabitants of which, as we before said, labour'd under accumulated calamities. Their first step was to do themselves justice in the Courts of Law, in which they fail'd, after spending much Time and Money. And from what the People say, it appears that such was Fanning's interest with the Gov. that he could turn out of Commission any one he pleased; the truth of this will be seen, in the course of these papers. Therefore he necessarily must have an influence upon Court, proportion'd to their love of official Dignity. And this will account for the strange conduct of the civil Courts in the County of Orange.

Having no hopes from appeals to the Laws of their Country, the enquiry was, what shall we do? shall we tamely submit? If we petition the Legislature of the Colony, we may judge of the Success we are like to have, by what we have known, in the case of our

³ Reference is made to the Charter of Queen's College in 1770. *Colonial Records*, Vol. XXV, p. 519.e.

Neighbours of Granville. What then remains! After many conferences, on the subject of their grievances, they came to this Resolution, To address public Officers, particularly the civil Magistrates, Assembly Men &c. And, if possible to have matters fairly look'd into and settled; that if their complaints were just, the causes of them might be removed; that if their jealousies were groundless, they might be convinced of it, and made quiet.

To be CONTINUED Weekly on Fridays.

A
Fan for Fanning, and a Touch-
Stone to Tryon.
(No. III.)

In the western, and southern Provinces, they know not of the Government of Towns by Select-Men, &c. Nor of chusing Jury-Men, the Sheriff of the County summoning whom he pleases, in all the County, for that service; hence it is that County Courts are places of great concourse, People from all parts of the County flocking thither, some for the Business of the Court, others for Trade, and many for sports and diversions—Therefore proper places for collecting the sense of the Body of the People, as well as for doing such Business as concerns the whole. And this gives us the reason of the Conduct of a number of respectable Inhabitants in Orange County, who form'd the Address, mention'd in No. II, and, at an Inferior Court, sometime in the Summer of 1766, read it in the audience of all the People, and presented it to their Representatives, and to the Magistrates of the County. I chuse to give the Address in their own words, that the reader may see and judge for himself of what spirit they appear to have been, that they were not all Fools, and Madmen, having a mischievous Design against the Government, as has been often said by Fanning, &c.

[18] *The A D D R E S S.*

“That great good may come of this great design'd evil, the Stamp Law, while the Sons of Liberty withstand the Lords in Parliament, in behalf of their true Liberty, let not Officers under them carry on unjust oppression in our own Province; in order, thereto, as there are many evils of that nature complain'd of in this County of Orange in private amongst the Inhabitants, let us remove them—Or if there is no cause, let us remove the jealousies out of our Minds. Honest Rulers in Power, will be glad to see us examine this matter freely—And certainly there are more honest Men among us than Rogues; yet Rogues are harbour'd amongst us sometimes almost publicly.

Every honest Man is willing to give a part of his Substance to support Rulers and Laws, to save the other part from Rogues; and it is his Duty, as well as his Right, to see and examine whether such Rulers abuse such Trust; otherwise, that part so given may do more hurt than good.

Even if we were all Rogues, in that case we could not subsist, but would be obliged to frame Laws, to make ourselves honest. And the same reasoning holds good against the notion of a Mason-Club.

Thus tho' Justice must be desired by all, or the greatest number of Men, yet when grievances of such public Nature are not redress'd, the reason is [19] what is every Body's Business is Nobody's. Therefore the following proposals are offered to the public, viz. Let each Neighbourhood throughout the County meet together, and appoint one or more to attend a general meeting on the Monday before next November Court, at a suitable Place, where there is no Liquor, (Strong Drink); at which meeting let it be judiciously enquired into whether the Freemen of this County, labour under any abuses of Power, or not; and let the same be notified in writing, if any are found, and the matter freely conversed upon, and proper Measures used for amendment.

This method will certainly cause the wicked Men in Power to tremble; and there is no damage can attend such a Meeting, nor nothing hinder it but a cowardly, dastardly Spirit; which if it does, at this time, while Liberty prevails, we must mutter and grumble under any abuses of Power, until such a noble Spirit prevails in our Posterity; for take this as a Maxim, that while Men are Men, tho' we should see all those Sons of Liberty, who have just redeemed us from Tyranny, set in Offices, and vested with Power, they would soon corrupt again and oppress, if they were not called upon to give an Account of their Stewardship."⁴

Thus did a number of Freeholders, Inhabitants of Orange-County, in the name, and by the consent of the People in general, solicit their Representatives, &c. to meet their Constituents, that they might have an opportunity of mentioning their jealousies, and of telling wherein they thought [20] themselves aggrieved; proposing, that if it should appear necessary, to endeavour for a new Election of all those Officers that by the Constitution were Elective; such as Assembly-Men,

⁴ See *Colonial Records*, Vol. VIII, pp. 249-250 and *An Impartial Relation*, pp. 9-11.

Vestry-Men, &c. and this leads us into an understanding of some expressions in the proposals, or address, viz. "There are more Honest men amongst us than Rogues, &c." It seems that Fanning, and others of the Officers had impressed the minds of the People, in general with a belief, That such was the union of Brotherhood, founded in Masonry, that extended itself into all parts of the County, that it would be vain for the Planters, or common People, to make any attempt, by an election, either to turn the present Officers out, or to chuse others, from amongst themselves, into Place, or Office; And therefore it is that the authors of the address assert that there are more honest Men among them then Rogues; For if these Men, in Office, are Masons, as they call themselves, and the consequence to us is oppression, and no justice, they must be Rogues; and upon the supposition that it be so, that we, the Country, are not equal in number, to these combined men; yet, if we are all rogues, there must be Law, and all we want is to be Governed by Law, and not by the *Will* of Officers, which to us is perfectly despotick and arbitrary; for we are made to believe that to be right and legal, which they say is so; and it is but seldom these Gentry will condescend to tell us what is Law, but, *Pay me so much Money*, is their usual manner of accosting us; and if we say, we will not pay until we know what it is for; away goes the horse to the Post, for sale, or the man to [21.] Prison; though the latter is seldom the case; that not being the way to enrich the Tax-gatherer.

The above address being read in the audience of all present at the Court, Mr. Lloyd, one of the Representatives of Orange-County, declared his approbation of it, and the rest acknowledged the reasonableness of it; in consequence of which, Mr. Lloyd, fixed the day of meeting, to the tenth of October following.

The People, being thus encouraged, met in several Neighbourhoods, and jointly agreed to chuse certain persons, who should be a Committee from each of them, to meet on the day appointed, and form something like a general assembly of the County, by their deputies. The form of their resolves, or agreement, was as follows, viz. "At a meeting of the Neighbourhood of——the 20th of august, 1766, unanimously agreed to appoint W. C. and W. M. to at-

tend at a general meeting, on the 10th of October, at the place fixed upon by Mr. Lloyd, and others, where they are judiciously to examine whether the freemen of this County labour under any abuses of Power; (and in particular, to examine into the public Tax,) and inform themselves of every particular thereof, by what Laws, and for what Uses it is laid; in order to remove some jealousies out of our minds.”⁵

“And the Representatives, Vestry-Men, and other Officers are *requested* to give the Members of said Meeting what information and satisfaction they can; so far as they value the good will of every honest Freeholder, and the executing publick Offices, pleasant and delightful”.

In this situation, Matters rested until Oct. 10th, the Day appointed, when twelve Deputies from the People met, but not one of the Officers appeared. Towards the Evening, Mr. James Watson, of what Character or Office does not appear, came with a Message from Col. Fanning, one of the Representatives for the County, That he, Fanning, had always intended to have met the People, according to his repeated Declarations and promises, at the time and place above mention'd; but that he had a Day or two ago observed the word *judiciously* in a paper drawn up by the People of Deep-River settlement; which Fanning said, mistaking it, either wilfully or ignorantly, for the *judicially*, signified, by a Court Authority; this, with many other Reasons, equally frivolous, Watson said Fanning gave for his not attending; and, in short, says he, Col. Fanning looks on it as an Insurrection, &c. And therefore it is true what was before said, that Fanning's haughty, despotick, and Tyrannical Spirit could not bear the instruction of his *Constituents*. Nor would he that they should know by what Laws they were govern'd, or any thing respecting the Government; but that the People should tamely, like Asses couch under their Burdens, and submit themselves a willing Prey to Officers.

Somewhat nettled at the neglect and contempt with which they had been treated, the Deputies of the Neighbourhoods drew up a second Address to their Representatives, &c. A copy of which fol-

⁵ See *Colonial Records*, VII, p. 251 and *An Impartial Relation*, pp. 11-12. “W. C.” is William Cox and “W—M.” William Mosssett.

[23.]lows, viz. "At a Meeting of the Inhabitants of Orange County, &c. for Conference (not rebellion) with our Representatives, &c. on publick affairs, &c.

"It was the Judgment of said Meeting, that, by reason of the extent of the County, no one Man in it, in a general way, is known by above one tenth Man of the Inhabitants: for which reason, such a Meeting for a publick and free Conference, yearly, and as often as the Case may require, was absolutely necessary, in order to reap the Benefit designed us in that part of our Constitution, of chusing Representatives, and knowing for what uses our Money is called for. We also conceive such Representatives would find themselves at an infinite loss to answer the design of their Constituents, if deprived of consulting their Minds in matters of weight and moment.

And whereas at the said Meeting, none of them appeared (tho' we think properly acquainted with our appointment and *Request*) yet, as the thing, (viz. the instructing and conferring with Representatives) is new in this County, (tho' practised in older Governments) they might not have duly considered the reasonableness of our *Request*. We therefore conclude, that if they are hereafter inclinable to answer it, that we will attend them at any other time and place, on their giving proper notice".

"It is also our Judgment, that on further deliberation, the Inhabitants of the County will more generally see the necessity of such a Conference, [24.] and the number increase in favour of it, to be continued yearly."⁶

These are their own Words, given in their own form of them; and are we to judge of the Authors as Madmen, insurgents, Rebels, plotters against Government in Church and State, designing to kill, and Murder, and plunder, as they have been represented by Col. Fanning, I don't say, the G——r, because, his fault, at this Period, seems to be chiefly Indolence; list'ning to Fanning, and giving himself no concern whether the People complained justly or unjustly.

In this piece we see the desire of the People to have their affairs well and peaceably settled. Fanning objected to the place of Meeting; they say now, they will meet Col. F——g at any time and place he shall appoint giving them proper notice.

⁶This is also quoted in *An Impartial Relation*, pp. 12-13.

The reason of the last Paragraph, in the last mentioned Address, viz. "The Inhabitants of the County will more generally see, &c.—was, that by the assiduity of Col. F——g, and his Creatures, in soothing some and threatening others; shewing favour to such as sided with them against the People; and treating with uncommon severity, and oppression all them that opposed them, they had so discouraged the People that they appeared much more remiss than before, and here the matter, for the present, dropt—And no more was said of it on the part of the People.

To be CONTINUED Weekly on Fridays.

A
Fan for Fanning, and a Touch-
Stone to Tryon.
(No. IV.)

Men seldom give up any natural perfect Right, without some degree of Reluctance; but, *of two Evils choose the least*, is so plain, and easy a truth to human Nature, that her feelings dictate an attention to it: Thus it was with the People in North Carolina; they were fully possess'd of an absolute Right of instructing their Representatives, they were sensible of it; but they saw that they could not *at this time* exercise their Right—And they chose to suspend an attempt of enforcing it. One reason that operated much against them was, they could not get an Attorney in all Orange-County, that would appear for them against Extortioners; this supposes that there was a combination of some sort, or that Fanning's influence was very great.

Thus the People saw their Money taken from them and they *must* not know *for what*; Nor can they know by what Laws, they are govern'd; obliged to sit down tamely, and bear the insolence of Officers, and the gripings and oppression of Sheriffs, Under-Sheriffs, Vestry-Men, Tax-gatherers, &c. &c. &c. Had Col. F——g⁷ been a wise Man, [26.] he would have profited by the conduct of the People, and would, as he might have done, have taken this opportunity to fix himself in the good opinion of his Electors; but his ideas of Despotism, were too sublime to suffer such an Indignity as had been offer'd by them who believed him not omniscient; for this seems their Crime, as they say, “No Man in the County is known of more than one tenth of its Inhabitants,” and such Representative would find himself at a great loss if deprived of an Opportunity of consulting his constituents—Therefore F——g, not contented with having put a stop to the People, and having robbed them of a perfect natural Right, his “discreet and steady” Soul, as G. T. calls him, breathed Vengeance, Destruction and Poverty to these insolent Men that dared

⁷ Edmund Fanning.

to suspect him, and attempt to call him to an account. The Consequence of which was, "that the Bomb Sheriffs now grew more and more insulting, taking unusual Distresses for Levies: taking Double, Treble, or four time the value; and bearing all they took off to Town, thirty, forty, and sixty Miles; treating [the People with remarkable Crossness, taking] by-paths, and other Ways than those they had promised to go in; so that those who follow'd, with design to redeem their Goods, could never overtake them."⁸

These Goods thus taken, were all sold in Town at under Rates; and this became a constant Trade, so that the People of the Town, Officers, &c, who gloried in the spoils of the honest Planters, depended on these Sales to raise them fortunes"—[27.] And from the Dutch-Folks, and such as were ignorant, they took Four-pence, Six-pence, and a Shilling, in their Tax, more than from such as knew more of the Nature of Taxation; and they, the Tax-gatherers, never returned any overplus."⁹

It has been said, "The People knew not by what Laws" they were governed. This may seem strange to them who have it in their Power to consult Lawyers, and Law-Books when they please. What has been said respecting the Manner in which these People were treated by the Lawyers shows that they had nothing favourable to expect from that Quarter. And the following Fact will show how industrious certain Characters were, to prevent a Knowledge of the Law from spreading among the People". Some Months, after all was still, on the part of the People, there happen'd to come out a new Collection of the Laws in one Book; two Farmers took a Copy of the Fees, out of it, for recording Deeds of Conveyance; and carried said Copy with them to Court, August 1767. They offered the customary Fees for recording and proving their Deeds, that were taken in other Counties, though what they offered exceeded the lawful Due; at the same Time offered to pay more, if any of them, the Officers would show any Law for more".

"This was done in Court; upon which, the Man was asked, how long it was since he had commenced Lawyer? The Man, not chusing to be laugh'd out of his Money, or rather chusing to be govern'd by Law, and not *Will*, persisted in desi[28.]ring to know by what Law he was refused having his Business done, when he offered *More* than

⁸ *An Impartial Relation*, p. 15.

⁹ *Ibid.*

the legal Fee. Upon which the *Right worshipful Court* threatened him, for standing as they said, in Contempt of THE COURT, which obliged him to withdraw. Here is one Instance of the *unaccountable* Conduct of the civil Court, in Orange County, mentioned in a former Number of this Paper.

“The Person who had got this Law-Book being half Owner of it, had it at Court, and it was handed about among the People; which the other Owner knowing of, and being one of the Court, and on the Bench at that Time came immediately out of the Court, and calling his Partner in the Book, to one side, earnestly desired him to keep the Knowledge of the Book being handed about, among the People, *a secret from the rest of the Court*. The other replies, I have given such a caution already to them to whom I lent the Book, for I see *how Matters stand among you*.”¹⁰ By which he meant that an honest Man could hardly live among them. The reason of the above caution was, the Magistrate, who was part Owner of the Book, knew that F——g and the rest of the Court could tell who lent his Book to the People; because they knew who had and who had not these Books; there being but a very few of them suffer’d to go into the Country, and these only into the Hands of them who were *known* by the Junto. Though they were sometimes mistaken, yet they cured the mistake as soon as possible; therefore it was, that the Magistrate, part Owner, of the abovemention’d Book, was for his kind Office, *turned out* [29.] *of Commission*. And this accounts for what was said before of F——s influence with the Governor. It shows also how very careful the civil Officers were to make the Law a Secret; and this may account for what the People say of a Mason Club, whose system is Secrecy.

About this Time, an Act of Assembly pass’d, to render the Business of Tax-gathering as early as possible; in Consequence of which the Sheriff of Orange County advertis’d as follows, viz. “Whereas, by a late Act of Assembly, the Sheriffs of the several Counties in this Province, are obliged to attend at five different Places in their County, at least two Days at each Place, at some time between the first Day of January, and the first Day of March, in order to *receive* the publick County, and parish Taxes;

¹⁰*An Impartial Relation*, p. 14.

I hereby inform the County of Orange, that I intend to comply with my Duty in attending according to Law, at Times and Places hereafter to be advertis'd; and that every Man who fails paying their Dues, at these Times and Places, is, by the same Law, obliged to pay me *Two Shillings and eight Pence* extraordinary; which Sum I shall demand, without respect to Persons; whereof every one concerned is desired to take notice.

"And should any Person imagine, that it is sufficient if they have the Money ready, when I or my Deputy comes for it. I advise them to be provided with *Two Shillings and eight Pence* for the Visit.

From their humble Servant,

*Tyree Harris.*¹¹

[30.] The remark of a certain Inhabitant of Orange County on the above Advertisement was, "Every one could see how insulting this was, as well as an attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriffs ease; and instead of being so careful to Word his Advertisement, that "the Sheriffs were obliged to attend", he might have said, The Asses were obliged to bring their Burdens to him, in order that one of the Deputies might collect the whole sitting at ease, in five Places only".¹²

Thus were the People of Orange insulted by the Sheriff, robbed, and plundered by Bombs, neglected and contemned by their Representatives, and abused by the Magistracy; obliged to pay Fees regulated only by the Avarice of the Officer; obliged to pay a Tax which they believed went to enrich, and aggrandise a few, who lorded it over them continually; and from all these Evils they saw **no way** to escape; for the Men in Power, and Legislation were the Men whose interest it was to oppress, and make gain of the Labourer.

While the People were in this situation a Rumour spread "That the general Assembly had voted Fifteen Thousand Pounds to the Governor, for the Purpose of building him a House, afterwards called a Palace".¹³ And that the said Sum was to be added to the Taxes already complain'd of, and raised from the People. It is said, "a Rumour was spread", &c, because the People were to be kept in ignorance, otherwise they perhaps might prove refractory, and unwilling to bring their Burdens, &c.

¹¹*An Impartial Relation*, p. 15, and *Colonial Records*, VII, pp. 771-772.

¹²The author of this remark was Husband. See *An Impartial Relation*, p. 16.

¹³*An Impartial Relation*, p. 16.

[31.] All these accumulated Oppressions staring the People in the Face at once, they were “made mad”—and if it be true “that Oppression makes a wise Man mad”, shall we wonder, that grievances and reiterated Oppressions so wrought upon the People of Orange County as to give Rise to that opposition, which at first was called by Col. F——g and his——— “The Mob, and which afterwards took the name “the *Regulators*”.

This was a considerable Time after they, who had endeavoured to confer with their Representatives, had been disappointed, and laid aside all thoughts of relieving themselves, by moderate and constitutional Measures; therefore, this took the Name of “the New Association”; it began in a different Settlement, or Neighbourhood, from the former; though, in their proceedings they refer’d to the conduct of the *Remonstrants and Addressors*—

Into this Association the People enter’d by Hundreds; and it spread every way like “Wild-fire”, until, after sometime, it reach’d *Sandy Creek* Settlement, where the principal Men, concerned in the former Agreement, Proposals &c, to the Representatives liv’d; from whom this new Association met with some Opposition—because, as they say, “it was too hot and rash, and in some things not legal, that is, in some things unconstitutional—This opposition abated their heat a little; in consequence of which, the New Association and the Sandy Creek Men held a Meeting, by appointment, at which the Association was prevail’d upon, by the others, to censure the Articles they had [32.] form’d, and into which they had enter’d, as is said before, “by Hundreds”; and to agree to a New set of Articles—from which they took to themselves the Name of Regulators—not only from the declared purpose of their union, but from their *Regulating* their mode of Union, altering their Articles of agreements, &c.

For the Readers satisfaction, the Articles, both of the New Association, and of the Regulators, will be published; tho’ these will necessarily lengthen out the History, and increase the numbers, both of which the writer means to avoid, as much as possible, so as not to leave out any important part of the Account.

To be CONTINUED Weekly on Fridays.

A
Fan for Fanning, and a Touch-
Stone to Tryon.
(No. V.)

The Articles mentioned in No. IV, formed by a Number of Persons before the Regulation took Place, a Copy whereof was sent to the Assembly-Men, &c, were as follows, viz.¹⁴

“The 22d Day of March, 1768. The Request of the Inhabitants of the west side of Haw River, to the Assembly-Men, and Vestry-Men of Orange County.

WHEREAS the Taxes in this County are larger, according to the Number of Taxables, than in adjacent Counties, and continue so Year after Year; and jealousies still prevail among us, that we are wronged; and having the more Reason to think so, as we have been at the trouble of chusing Men, and sending them after the civillest manner we could, to know what we paid our Levy for, but could receive no Satisfaction. For James Watson was sent to the Meeting of the Deputies of the Neighbourhoods, and said that Edmond Fanning looked on it, that the Country called him by Authority, as if they had a Right to call him to Account; not allowing the Country the Right they have been intituled to, as English Subjects; [34.] for the King requires no Money from his Subjects but what they are made sensible what use it is for.

“We are obliged to seek Redress by denying Payment of any more, until we have a full Settlement of what is past, and have a true Regulation with our Officers. As our Grievances are too many to be notified in a small piece of writing, we desire, that you, our Assembly Men, and Vestry Men, may appoint a Time, before next Court, at the Court House, and let us know by the Bearer, and we will choose Men to act for us, and settle our Grievances.”

“Until such time as you will settle with us, we desire the Sheriffs will not come this way to collect the Levy; for we will pay none until there is a Settlement to our Satisfaction”.

¹⁴*An Impartial Relation*, p. 17.

"And as the nature of an Officer is a Servant to the publick, we are determined to have the Officers of this County under a better and honester Regulation than they have been for some time past."

"Think not to frighten us with Rebellion, in this Case, for if the Inhabitants of this Province have as good a Right to enquire into the Nature of our Constitution, and Disbursements of our Funds, as those of our Mother Country, (and surely they have) we think it is by arbitrary Proceedings, that we are debarred of that Right. Therefore to be plain with you, it is our Intent to have a full Settlement of you in every particu[35.]lar point that is matter of Doubt with us. So fail not to send an answer by the Bearer, if no answer, we shall take it for granted, that we are disregarded in this our Request again from the publick.

This is the first Message or Request the *New Association* sent to the Officers; which was received with a Degree of warmth, full as high as it deserved; for, "Rebels, Insurgents, &c, to be Shot, Hanged, &c; as Mad Dog", &c, was the "discreet" language of Fanning and the rest of the Gentlemen Officers. And it is confessed that these Measures were far from moderate, on the side of the People; therefore, as was said before, when the News of it reach'd Sandy Creek Settlement, they opposed the mode of proceeding as, "too hot, and rash"; and in a Conference with their Fellow-Sufferers, they prevail'd with them to censure these, and to form new Articles, which were as follows, viz. "We the subscribers do voluntarily agree to form ourselves into an Association, to assemble for Conference, and regulating publick Grievances and Abuses of Power, in the following particulars, with others of the like Nature that may occur".

1. That we will pay no more Taxes until we are satisfied they are agreeable to Law, and apply'd to the Purposes therein mentioned; unless we cannot help it, or are forced.

2. That we will pay no Officer any more Fees than the Law allows, unless we are obliged to it; and then to show our dislike, and bear an open Testimony against it.

[36.] 3. That we will attend our Meetings of Conference as often as we conveniently can, and as often as may appear necessary, in order to consult our Representatives on the amendment of such

Laws, as may be found grievous and unnecessary, and to Petition the Houses of Assembly, Governour, King and Parliament, for Redress of such Grievances as in the Course of the undertaking may occur; and to inform one another, learn, know, and enjoy all the Privileges and Liberties that are allowed, and were settled on us, by our worthy Ancestors, the Founders of our present Constitution, in order to preserve it on its former foundation, that it may stand firm and unshaken.

4. That we will contribute to Collections for defraying necessary Expenses attending the Work, according to our Abilities.

5. That in Case of Difference in Judgment, we will submit to the Judgment of the Majority of our Body.

To all which, we solemnly Swear, or, being a Quaker, or otherways scrupulous in Conscience, of common Oaths, do solemnly Affirm, that we will stand true and faithful to this Cause, 'till we bring things to a true Regulation, according to the true intent and meaning hereof in the Judgment of the Majority of us.

It appears that the Officers to whom the Copy of the first Articles was sent, sued the Men who were concerned in the Proposals, saying, That [37.] because the New Association referred to the Proposals, &c, they were therefore accountable for the whole; when, in fact, they neither had seen the Articles, nor did they know who they were that were concerned in the New Association, 'till sometime after the the Articles had been sent to the Officers. But what kind of Action they brought against them, whether of Slander, or Defamation, or for Treason, or what, does not appear, nor does it appear what was the issue of the Suit. This only we know, that they imprison'd those who had scarcely heard of the Articles, or any thing else concerning the New Association.

The Consequence of this violent attack made upon the *Innocent* was, That the People took the Alarm; and finding that *innocence* was no security, join'd together as one Man, or as they say, "they were forced to join together in Defence of their lives"; whereas until now, not a third part had entered into the Association. The general union came into the last recited agreement, in which they bound themselves in an Oath to be faithful to one another, as the Reader may observe.

At a Meeting of the People banded together as above, who now took the name of REGULATORS to themselves, they agreed to send two Men to *Request* the two late Sheriffs, and the Vestry-Men, to meet twelve Men to be chosen by the Regulators, from among themselves, to produce to them a Copy of the List of Taxables for each Year, and a List of the Number and Names of the Insolvents returned each Year, with an Account how [38.] the Money was applied, to whom paid, and to what uses, and to request our Representatives to confer with them on our behalf, and show us Law for the customary Fees that have been taken for Deeds, Indentures, Administrations, &c, and let them appoint a time when it suits them.

Before, the above Request was delivered to the Officers, as directed, the Taxgatherers, either to try or exasperate the already enraged populace, took by way of distress, a Horse, Saddle, and Bridle, for one Levy. And the People rose to the Number of Sixty or Seventy, and took the Horse &c. from the Officers; and fired some Guns at the Roof of Fannings House, to signify that they blamed him for all this Abuse. And afterwards deliver'd the Request into the Hands of the established Minister of the County, who undertook to accommodate the Matter; who, soon after, returned with an answer from the Officers, that they had appointed the 11th Day of May for a Settlement.

Hereupon the Regulators called a Meeting and chose twelve Men, and sent Notice thereof to the Officers. But Col. F——g was beforehand with them; for instead of meeting the People, and endeavouring to satisfy them and restore Peace, matters were so managed, that about this Time the Governor's Secretary arrived in Orange County, with his Excellency's Proclamation, commanding all Rioters to disperse, and all Officers to be aiding in dispersing them, &c. This was some weeks after the taking the Horse &c; since which there had not been the appearance of a Ri[39.]ot. Notwithstanding which the Officers the next Day after the reading the Proclamation, on Sunday, assembled themselves to the Number of about thirty, "with a Tavern-keeper or two, and a Man who had lately killed another, which the "Jury of Inquest had adjudged wilful Murder, all armed with Guns, "Pistols and Swords, and rode all Night the Distance of 40 Miles, "and took one Man who was concern'd in what was called the Riot,

“viz. taking the Horse, &c, from the Officer; this Man they seized by “Authority, having a Warrant for it; but they also seized one who “was not in the Riot, nor concerned in it, and that without any Au-
“thority, having no Warrant for it.”¹⁵

The taking this innocent Person alarmed the People, because they thought this might be the Case of any or all of them; therefore they made haste and gat themselves ready and persued the Captors even to the Gates of the Town, so that by Day-light next Morning, some Hundreds were assembled near the Town, many of whom had travelled that Night more than forty Miles on Foot. Before the people reach’d the Town they were met by the Men who had been carried Prisoners; they having given Bail for their Appearance at Court, had been thereupon released. The reason of their having been admitted to Bail, seems to be the fear of the Officers, occasion’d by the News of Hundreds from all parts of Country coming with design to rescue the *innocent* Man; had it not been for this, it is supposed that the Officers intended to take them down to Newbern, [40.] 200 Miles; that, having them there, they might wreak their Vengeance on them.

The Companies that collected from the Country, when together, made about 700 Men, in Arms; they encamped near the Town, and continued there, next Day, until the Governor’s Secretary met them, and read the Proclamation, as before; to which he added, what he called a verbal Message from the Gov. viz. That if they would Petition the Governor, he would protect and redress them against any unlawful extortions, or oppressions of Officers, provided they would disperse and go home.

No sooner was the word spoke, than the whole Multitude, as with one Voice, cry’d out, “*Agreed, That is all we want; Liberty to make our Grievances known.*” The Joy with which they returned home (says our Author) tho’ the Distances to many were great, was inexpressible, for Men can feel things of an oppressive Nature, which they cannot express.” They hitherto had been debarred from complaining, and that thro’ the influence of F——g &c, with G——r.¹⁶ Hitherto the People could not have access to the Gov. with Petitions, unless

¹⁴A garbled quotation from *An Impartial Relation*, p. 22.

¹⁶Governor.

they would let F——g &c, form the Petitions for them. But now they rejoiced, they had his Excellency's word in their favour. They return'd home, advertised the Governor's Promise, and appointed a Meeting. This opened the Eyes of the Junto, who now began to see what was like to come of them if the People were suffered to tell the Truth.

To be CONTINUED Weekly on Fridays.

A Fan for Fanning, and a Touch- Stone to Tryon. (No. VI.)

A Man governed by Passion is a plague to himself, a trouble to his Friends, and an injury to his Dependents; and this seems to have been the Case of Gov. Tryon. When the Regulators were almost at his Door, he sends his Secretary with a Message to them. This put his Friend Fanning to the trouble, when no apparent Danger was near, to persuade him to deny his Message, which he did; and this injured the People of Orange much. For they put Confidence in the Governor tho' a Man, and Dependence on his Word, and hoped they should be delivered; but by the denial, all their Calamities stared them in the Face, with new force.

The Governour having deny'd his Message, the next thing his Friends had to do, was to *wipe his Excellency clean of a FALSEHOOD*: This they could not accomplish so easily, as they had brought the Charge upon him; for Hundreds had heard the Message; and therefore the Governor or his Secretary had said that which they were unwilling to say again; nay, they, or one of them, had said that, which they, together with all their Friends, [42.] strenuously and repeatedly deny'd. The People found it their interest to keep his Excellency to his Word; therefore they insisted much on it, this produced "Preaching, Writing, Harangueing" on the side of the Governor and his Friends; and, when the People could not be dissuaded from asserting the Governor's Promise of giving them a hearing, they were told, "that no Petition could or would go down with the Governor, but such an one as they, the Officers, &c had wrote for them, in which they made them say, that they *had thought* the Officers wronged them; but had now found it was owing to some mistake or Defect in *their*, the Peoples proceedings. They were also told, that if they persisted, Col. Fanning would represent their Case to the Governor as high Treason, and not as a Riot."¹⁷

Thus went on their Affairs until the 21st Day of May, the Day appointed by the People for Meeting, to form an Address and Petition

¹⁷An *Impartial Relation*, p. 25.

to the Governor; on which, when the Inhabitants of Orange met, a party of the Governors Friends came with design to give Disturbance to, and prevent the People from doing any thing; and, Alas for the Tribe of Levi, a Clergyman, in black, *came also*. They render'd the Business of the People, as they say, "exceeding unpleasant"; notwithstanding which, they had resolution enough to come into the following agreement, viz. "At a general Meeting, &c, It was agreed unanimously to continue our Petition agreed on at our last Meeting to the Governor, Council, and Assembly, for redressing very Grievous, Cruel, Iniquitous and oppres[43.]sive practices of our Officers, which we generally conceive we have laboured under for many Years contrary to Law".

And in pursuance of a Verbal Message from the Governor, delivered to us by his Secretary, on the third of this Instant, we agree to renew our said Petition.

For this Purpose the Regulators chose from among themselves Eight Men, to be a Committee, for the Purpose of laying their Complaints before the Governor &c, which Committee they instructed as follows, viz.—"Being conscious of our loyalty to King GEORGE the third, on the present Throne, and of our firm Attachment to the present establishment, and form of Government, to which we sincerely believe all our Grievances are quite opposite and contrary; we order the abovementioned Committee to implore the Governor's Pardon and Forgiveness, in the most submissive Manner, for any errors we may have committed, that are or may be construed to derogate, in any way, from the Honor of his Majesty's Crown and Dignity, or as tending to obstruct the Peace and good order of Government."¹⁸

They also order their Committee to present his Excellency with Copies of all their proceedings from the beginning, for "his better information"; which orders the said Committee executed accordingly; and in June waited on the Governor with the Petition of the suffering People, and a History of their Conduct thro' the whole of their struggle; that he might Judge for himself, whether or not [44.] they were such as they had been represented by Col. Fanning; and whether their Conduct was, as had been suggested by the Officers, "high Treason".

¹⁸*Ibid.*, p. 26.

They also order'd their Committee to answer a Letter they had received from Anson County; which contained a request, "that the People of Orange would inform them of the Manner of their proceeding"; as they, of Anson County, were in like situation, as they apprehended with their Neighbours of Orange—This Circumstance is mentioned, for the sake of the Reason the Regulators give for their asking notice of the said Letter; which was, "*We order a Copy of this (viz their Petition) to be sent to them immediately, to prevent them from running into Error.* If they had a design of over-turning the Government, as "Discreet Mr. Fanning was wont to assert, they never would have been so solicitous to prevent Errors in the Conduct of the Inhabitants of Anson. The truth is; they were sensible they had, thro' the Novelty of their undertaking, as they say themselves, done things that were not justifiable; therefore they "implore the Governors Pardon and Forgiveness, in the most submissive Manner":—and they are anxious for the People of Anson County lest they also, from the same Cause, fall into the same Errors; like good Citizens, and Friends to just Government. They do all they can to preserve Peace, while they endeavour to do themselves Justice. The aforementioned Committee of the People presented according to the Instruction, the Petition, &c, to his Excellency Gov. Tryon, and received a long Letter in Answer to their Address from him; which I shall [45.] give verbatim, that all may see a *Scetch* of the Political Picture of the "Magnanimus General Tryon."¹⁹

Gentlemen,

"I Received by the Hands of Messrs. Hunter & Howell a Petition, and other Papers, subscribed by several of the Inhabitants of the South side of Haw River, in the County of Orange, under the borrowed Title of Regulators, assuming to themselves Power and Authorities (unknown to the Constitution) of calling publick Officers to a settlement, together with a Narrative of their Conduct, and detail of the Grievances and Complaints against the Clerk of the County Register, and other publick Officers, whose Exactions and Oppressions *its pretended* have been the Cause of the late insurrections which have disturbed the Peace of that Part of the County".

"These *Papers* I have, agreeable to your Desire, communicated to the *Members* of his Majesty's Council, who having taken the same

¹⁹The following address is also in the *Impartial Relation*, p. 45.

into their deliberate Consideration, Unanimously concur with ME in Opinion, that the Grievances complained of, do by no means Warrant the extraordinary steps you have taken, in assembling yourselves together in Arms, to the Obstruction of the Course of Justice, (*he should have said, Injustice*) and to the injury of private Property; Measures, as they manifestly tend to the subversion of the Constitution of this Government, would inevitably if carried but a little further, have been denominated, and must have been treated as high Treason, and consequent[46.]ly have involved the Abbettors, most of whom I am satisfied were actuated by honest Motives, tho' incautiously drawn in to concur in Acts that might have terminated in the Ruin and Destruction of their Families, while by illegal Means they are intent upon exempting themselves from Evils, within the Remedy of Laws of their Country".

"These Calamities, I trust, are now removed by the *Timely* Proclamation I sent up to you by my Secretary, and your own prudent determination to Petition me in Council for a Redress of the Grievances complained of"—The discreet and steady Behaviour of Col. Fanning, and the Officers and Men under his Command, met not only with the entire Approbation of myself, and his Majesty's Council, but will ever be acknowledged with gratitude by every well-wisher to this Province.

I take this Opportunity to acquaint all those whose understandings have been run away with, and whose Passions have been led in Captivity by some evil designing Men, who, actuated by Cowardice and a sense of that publick Justice which is due to their Crimes, have obscured themselves from publick View: That in Consideration of a Determination to abide by my Decision in Council; it is my Direction, by the unanimous Advice of that Board, that you do, from henceforward, desist from any further Meetings, either by Verbal appointment or Advertisement. That all Titles of Regulators or Associators cease among you. [47.] That the Sheriff and other Officers of the Government are permitted, without molestation, to execute the Duties of their respective Offices. And that all breaches of the Peace against his Majesty's Government, may be determined and examined in a due course of Law.

"It is by your strict and punctual adherence to these Directions, that any farther Clemency, on My Part, may be looked for".

"This was the extent of what I authorized Mr. Edwards to declare on my behalf.—And now, that I have signified to you, the sense his Majesty's Council entertain of the nature of your Proceedings, and the Requisition I point out, by their Advice, for your future Conduct: I am to assure you, willing as I am to listen to the Voice of Distress, the just Complaints of his Majesty's subjects, and the hardships they may groan under, that I shall give his Majesty's Attorney General orders to Prosecute every Officer, who has been guilty of Extortion or illegal Practices in his Office, upon any Application or Information, lodged with him by the Parties injured, or any other that shall be authorized to prosecute on their Behalf. As also set up a Proclamation on my arrival at Hillsborough, forbidding all such dishonourable and illegal proceedings".

"You may further depend upon it, I shall at all Times, endeavour to redress every other Grievance in my Power, that his Majesty's Subjects may labour under."

[48.] "As you want to be satisfied what is the amount of the Tax for the publick Service for 1767, I am to inform you, it is Seven shillings a Taxable, besides the County and Parish Taxes, the particulars of which I will give to Mr. Hunter".

"I have only to add, I shall be up at Hillsborough the beginning of next Month. In the mean time I rest in full Confidence I shall again be made happy, by seeing industry prevailing over faction, and Peace and Harmony triumphing over Jealousies and Murmurs, in a Soil and Climate the most fertile in the World, and among a People, who by a well directed industry, may draw down Blessings and Prosperity to their Families, and greatly contribute to the Honour of his Majesty's Government, and the Happiness of my Administration".

WILLIAM TRYON.

At the Council Chamber,
Brunswick, 21 of June 1768.

Many things in this Letter are worthy notice, which may perhaps be the Business of a future Number, for the present the Office of Critick is left to Phocions Friend, who has great Opportunity given him of finishing the Scetched Picture of the excellent Letter-Writer.

To be CONTINUED Weekly on Fridays.

A
Fan for Fanning, and a Touch-
Stone to Tryon.
(No. VII.)

As it is certain that good sometimes comes out of evil, so is it true also that evil comes out of good. Self love is a good, and essential to the well-being of human Nature; but from this Principle springs evil; an instance whereof is this: Men from good views, persue a certain course of Actions, whether public or private, it matters not; at a succeeding Period of Time their Conduct appears to have had an evil tendency; Reason would that such should repent, and turn; but pride, grafted in self-love, steps in and clothes them with a disposition very pertinently named *Contumacy*. Hence ten thousand political, as well as religious errors, are maintained, and number the names of great and esteemedly good Men on their side.

We do not say that this was the Case altogether with the Regulators; tho' they cannot be cleared of the charge of Self-willedness, and a degree of obstinacy. For it ever will be the case, where the People have a part in the Government, that when jealousies arise, the Populace, being actuated by passion, are unduely attached to whatever they [50.] adopt. This accounts for what we frequently observe, viz. That *wise Men are* seldom violent in an opposition. This was true in the instance before us; the wise men among the Regulators, had all their influence exercised in moderating the People, and keeping them from violent out-breakings; nor was their influence always sufficient, as will be seen in the course of these Numbers.

The method they made use of, for the purposes of moderation was, to keep the points of grievance always in view as much as possible. To this end, upon receiving the Governour's Letter, recited in the last No. they examined into and stated the causes of their jealousies and complaints—And in the examination they found—that the Extortions of the civil Officers, as already mentioned, were realities—that the situation they were in was not confin'd to their County alone

—that similar evils existed in every part of the Province, so far as they could learn—they found also, that there had been a certain Sum of Money emitted by the Government, which Sum was, by Act of Assembly, to sink in a certain term, by a Tax upon the Inhabitants; and that, of this Tax there had been paid twenty or thirty Thousand Pounds over the whole Emission—and that there still was afloat, in the Province, sixty Thousand Pounds, that therefore, there was an error, somewhere of eighty Thousand Pounds, at the least. Upon this they reasoned in the following Manner;—Either our Assembly have been deficient in burning the Monies returned into the Treasury—or, the Officers, in the Trea[51.]sury have been deficient in accounting for it, or the Sheriffs have been faulty in the payment of the Money into the Treasury—or, some Counties must be much in arrears—for they knew that Orange had paid to the full. In this situation the People were wont to express their suspicions; for which the Officers reproved them severely, telling them “that it would be criminal even to suppose such things”; for say they, “There are Men of *such Credit*, that such a suspicion would be deem’d a slander, and fall on him who utters it”—adding, “That if such a thing could be there must be more than one concerned in it; and that was not supposable”. Fine reasoning for *quieting* the uneasiness of the People growing under Oppressions! The credit of Mr. — &c. &c. Therefore the People shall not speak their suspicions—But, says our Author, we could not help thinking”.

Therefore they purposed—that if their Representatives, these Guardians of their Rights, would assist them, first to settle with the Officers of their own County; and if no Deficiency appear’d there, then to lay the matter before the Assembly, that the Treasurer’s Accounts might be brought forth and examined—And, if their Representatives refused, then to Petition the Governor for a New Election.

In the above Enumeration of their Grievances, they only had supposed that the Publick Accounts might be unsettled; but by the time they received the Governor’s Letter, they were confirm’d in this [52.] matter by the Journals of the House; in which it appeared not only that these Accounts were unsettled, but that the Governor had moved the House to vest him solely with that Business. This alarmed the People much more; especially, as they saw the Governor was determined to *favour the discreet Behaviour* of the Officers &c. and

their uneasiness was encreased by the Governor's ordering them not to meet, in any way whatever.

The Governor had promised to hear their Complaints, made to him in Council by Petition. They Petitioned—He condemns their Conduct, and sets aside their Petition, and strictly enjoins that they should not meet; therefore, they cannot support their Complaints, nor justify themselves, nor vindicate their Conduct—Nor can they direct, or manage the Affairs of a New-Election—In short they were cut off from every possible mean of doing themselves Justice—So they *must* either sit down and suffer themselves to be maligned by Officers, and insulted and plundered and as having raised a Clamour and been disappointed; or they *must* subject themselves to the slander of *Rebellion*; for turn which way they would the Governor's Orders, and Letter, like a Manyheaded Monster, stared them in the Face.

In this situation they had no resource left, but "the Law of their Country," as the Governour tells them, and from this repeated Experience had convinced them they would have no hope; more especially as the languid manner in which [53.] his Excellency spoke concerning this matter, (viz. "That he would order the Attorney-General to set up a Proclamation," &c) had a direct tendency to harden, and encourage the Officers; while it was evidently designed to dispirit the People, and show them that if they asserted any Rights, *not made* for them by their *Betters*, they must expect to be treated with Neglect, and thrown into the hands of Harpies.

Thus bound upon every side, the Regulators (on whose side by this time were all the Country) stood still, waiting the effect of the Proclamation, respecting which so much noise had been made; and the issue was, (vox et præterea Nil) a *blowing Bluster*. For the Register, or his Clerk, *raised the Fees*, or rather their extortionate Demands, so that all hope vanished, in that the Gov's. pretended interposition, for such the People now saw it to be, had the effect before suggested, viz. Of encouraging the Officers, in their wickedness, in grinding the face of the People.

The People *dare not meet* to tell the Gov. that the Proclamation had no good Effect; That would have been called *Rebellion*. They *dare not meet* to consult what was best to be done; That would have been called a *flying in the face of Order, and Authority*. However, they made the best excuse they could, and called a meeting, "to agree

“upon an answer to the Gov. for he would expect some return to his Letter.”—They accordingly held a Meeting; and received, from his Excellency the following Letter, Viz.

[54.] GENTLEMEN*²⁰

In strict Conformity to the promise I made you in my Letter, dated from the Council-Chamber, at Brunswick, I issued a Proclamation on my arrival at Hillsborough, a Copy of which I herewith transmit to you.”

“I also gave the Attorney-General, orders to prosecute at Law, all public Officers in your County, for abuses in their Offices, on application made to him by or in behalf of the Parties injured.”

“It is now therefor by my advice and consent that Mr. *Tyree Harris* wait on you to proceed in the Collection of the public County and parochial Taxes of Orange County for the year 1767”—

“I have the fullest Confidence that you will, agreeable to the Directions of the above mention’d Letter to you, and in Justice to the principles of your Engagement to abide *my Decision* in Council, make it a matter of honour and Confidence among yourselves, that Mr. Harris and his Deputies shall not meet with any Interruption in so essential and immediately necessary discharge of his duty, in obedience to the laws of this Country.”

Hillsborough Aug. 1. William Tryon.

1768.

* The Gov. is a well-bred Man, for he calls the Regulators, one while Gentlemen, at another time, Banditti, Insurgents, Rebels, &c.— Therefore Gov. Tryon is a Gentleman.

[55.] In this Letter G. T. magnifies his *strict Conformity* to his Promise; but to what part of his promise? not that which had respect to the Peoples Complaints. He also gave orders to Mr. Attorney-General; and what were his Orders? To Prosecute; How? upon application made to him. That is, if a Man that has been strip’d by a Sheriff, &c. will give Mr. Attorney all the Money he has, and Bonds for as much as Mr. Attorney pleases to demand: Go. T. in great Compassion to the *Oppressed Man*, gave orders to the Attorney to take his Money, &c.

²⁰ *An Impartial Relation*, p. 31.

But his Excellency's *after Clasp* is the most Extraordinary part of his Essay, viz. "It is by *my Advice and Consent*; Modest Gentleman! he does not order, or command an Officer, whom he might have ordered; but he *directs* the People; and appeals to their honour and conscience; and to an engagement which he fain would that the People should have been under; and what is all this for? That the Money may be got from the People; and then they may seek redress from the four Winds; For this seems all that his Excellency had in view; by soothing, threatening, and cajoleing, &c. the People, that he may have money to carry on the building of a Palace; But the People, perhaps sensible of the *Check* they had in *their* power, chose not to obey either of the Letters, therefore they told Mr. Harris, when he demanded the Tax, that they had determined to lay the matter before the House of Assembly, before they would pay his Demand, They appear to have been actuated in this Conduct by a new fear, which arose from the Gov's moving the House to vest him with the sole power of settling the public Accounts.

[56.] Whether this step is justifiable in the People, or not, the reader must judge for himself. It was certainly disobedience, not merely to the Governor's Direction, but to a Law of the Land, by which the Tax was levied. In this the People seem to have assumed a right of Judgment, respecting the propriety of their being Taxed. Though the plea made by the Regulators was not a right of Judgment, nor a Power of paying or not paying, as the matter should appear just or unjust to them; but, they appear in every instance to consider the Tax being in their Hands as a means to bring the Governor and Officers to a Settlement. Therefore, they often say, show us that our jealousies are groundless, with respect to the Taxation; and remove the Cause of complaint against the Officers and we will immediately pay our Levy. This was assuming the Rights of *the commons* with a Witness.

To be CONTINUED Weekly on Fridays.

A Fan for Fanning, and a Touch- Stone to Tryon. (No. VIII.)

The Reader may have observed, that the Governor, appeals to an Engagement of the People, *To abide his Decision in Council*; It is probable the People had entered into such obligations with the Governor; and that at the time of Engageing they intended to do as they said. But two things appear to have determined them to do otherwise; (1) When Hunter, and Howel, presented the Petition, &c, of the Regulators, his Excellency called together a small number of the Council: and such a conduct, whether it really was so or not, gave the People, the colour of Suspicion, that he called only such as he knew would be on his side. (2) It is some-what probable that the Gov, in order to *engage* the People, had encouraged them to believe that he would lay their Petition, &c, before the whole General Assembly; Therefore, when the People found by the Journals of the House, that the Gov. desired the *Whole* matter should be vested in him, and seeing by his Letter, &c, how he was like to treat them—These things appear to be the reasons of the Regulators conduct, in refusing to obey the Governor's last Direction, by the hands of Mr. Harris, who, in [58.] discharge of his duty, required the Tax, of the People; upon this they answered him, "We have agreed to lay the matter, before the *Whole* of the Council, and House of Assembly, before we chuse to Pay". Mr. Harris, returned without the Money: and also without being Insulted, and maltreated by the People; though they had "desired that no Officer should come among them to Collect," &c. Nor were the People very delicate in their manner of expression, respecting the Officers; Therefore it is that they are said, by the Gov. "To Menace, and Threaten the property of the King's Officers."

At this Meeting, the Regulators agreed upon an Answer to the Gov's Letter, mention'd in No. VII, and appointed two Men to wait

on, and present it to, his Excellency. In which they hinted to him, that they should have been much more obliged to him had he, as they expected he would have done, called together the Legislature of the Province. Here it must be acknowledged that the Regulators were altogether as forward as necessary; though some apology may be admitted from their want of knowledge, and the pressing necessity of their Situation; Nor is it to be refused, that their own importance seems to have had some Influence on their Conduct; They had gone so far forward they were unwilling to return back. But if the Regulators treated the Gov. with *freedom*, and uncourtly style, it must be confessed also, That the measure he meted to them, was as far from moderate and lenient, as theirs was from delicate and submissive:—For, when Harris returned from [59.] among the Regulators, The Gov.'s Officers were busied in raising the Militia——Their orders were “To rendezvous at an appointed place, on a set day, which day, was nigh at hand——To bring with them three days Provision, and nine Charges of Ammunition”. The Militia upon receiving these orders, immediately sent messengers, to carry Tidings to the Regulators, “That the Gov. was forming an Armament, to cut them off, &c.” It was also said that the Gov. intended to send for, and bring down Indians, from the frontiers, to Aid him in cutting off the Regulators.

These alarms threw the Inhabitants of Orange into the utmost perplexity; so that in fear they ran together, not to Arms, of which they might have availed themselves effectually, had they been disposed to *fight*; But, whatever might be the voice of the inconsiderate Multitude, of whom it always true, the more part, know not wherefore they are gathered together; the wiser, and considerate part, interposed, and the People chose, of themselves, eight Men, whom they sent to the Gov. That they might inform him of what they were told, and know of him the Truth, respecting all these things; The eight Men returned, having waited on the Gov. with the following Declarations from the Gov. and others, viz. “In the first place, the Gov. Declares, “That he never had an Intention to bring down Indians, nor of raising the Militia in order to break in upon any Settlement, as has been falsely represented; and that he again repeats his firm resolution to do Justice to the People in every thing

wherein they have been injured, (he being Judge) as far as in his power."

[60.] "In the next place, Col. Fanning, agrees that the dispute between him and the People, shall be settled at the next supreme Court; that if the Chief Judge, and his associates, give Judgment against him on the Tryal of Mr. John Lowe, or any other deed, he is willing, and shall refund the full Sum, over his Lawful fees, he has taken, to every Man who shall apply to him, bringing his deed along with him; and that they shall pay no Cost."

"In the next place, Mr. Nash, agrees to the same thing, with respect to his Clerk's fee, as he has already wrote to the Regulators."

"In the last place, the Accounts of the Sheriffs, with the Vestry, and the Court, for the Parish, and County Tax, have been examined and approved; and when a Settlement is made for the Insolvents, the full State, in the same manner, shall be posted up in the Court-house."

"The Gov. will give no Directions for the Sheriff to proceed in his Collection till after the Supreme Court."²¹

This is an *Unaccountable* piece of Conduct, if we view it in this Light, That the Gov. did actually attempt raising the Militia, and that with design to reduce the Regulators—and that this is True, is without a Doubt; and therefore, we can give no better reason for these apparently soft Words of the Gov. in the above Message to the Regulators &c, than the Refusal of the Militia to serve against their Brethren; which Refusal appears by the fol[61.]lowing Resolution formed by the Militia, viz. "The critical affairs in public have caused us to meet to consult what is our duty"—We have been warned to go against a set of People, called Regulators under the Term of Enemies; but we look on them as Loyal Subjects, acting for the good of our Country. Until they are proved Enemies, we do not think it our duty to go against them. We are told that they who disobey the Gov.'s order, shall be fined, for not appearing against these our Brethren, and Neighbours; which thing we design to oppose until it appears to be our duty; and until their Articles are proved to be contrary to Law."

By the above mentioned Eight Men, the Gov. notified the Regulators to meet at a convenient Place, to them known, and appointed

²¹ *An Impartial Relation*, pp. 32-33.

by his Excellency; at a time; at which Place and Time, the Sheriffs were to attend, in order to satisfy the People with respect to the Concern they had in the Publick accounts.

The People, met on the day appointed; No one of the former Sheriffs came; the Sheriff for the time being came, not with Accounts, but, a Letter from the Governor, viz.²²

“GENTLEMEN.

I had every reasonable hope, that my Letter to you from the Counsel-Chamber, the 21st of June, would have given you not only the most cordial Satisfaction, but have prompted you with the most ardent Zeal to have subscribed to every Direction contained therein, conformable to the declared Resolution in your address to me.”

[62.] “It is with a sincere Regret, I at this time reflect on the Disobedient, and ungrateful return you have made me, both by your Disregard to every part of my Directions in the above mentioned Letter, and your Refusal to pay your publick Levies, to Mr. Harris, late Sheriff, who demanded them of you, on the 2d of this Month, at a general Meeting, in Virtue of his Legal Power, and in compliance with the Letter I sent you, by him, urging the immediate Payment thereof”.

“The Candor with which I treated the Rash and Precipitate Steps of your past Conduct, and the just means, and effectual measures I pointed out for removing the Causes of Complaint, would have given ample Satisfaction to every Man who Petitioned me with an Intention to be satisfied with Justice.”

“By your Letter delivered me the 5th Instant, by Mess Low and Hunter, I have the Mortification to find every lenient Measure of mine has been perverted, and the friendly Aid I offered to correct the abuses in publick Officers, which it was my Duty to tender, considered by you as insufficient.”

“The force of the Proclamation was to caution publick Officers against, and prevent as much as possible Extortion. It is the province of the Courts of Law, to Judge and Punish the Extortioner. The Dissatisfaction also you express, that your Address, and Papers, were not laid before the whole Council, is equally groundless with your Declarations of the insufficiency of the Proclamation.”

²²*An Impartial Relation*, pp. 33-36.

[63.] "By his Majesty's Commission and Instruction, three Counsellors make a Board; and with five Members business may be transacted of the highest Dignity: whereas six Gentlemen of the Council were present when your Address, and Papers were laid before that Board."

"The Resolution you have taken to Petition the Legislative Body, are exceeding agreeable to me; my services on that occasion shall not be wanting, to redress all real Grievances.

"It is necessary I should now inform you, in Humanity to your Misguided Passions, and in Justice to the Integrity of my Intentions, that you are pursuing measures highly Criminal and illegal; and it is a circumstance of real affliction to me, since I consider you as acting upon principles no less void of faith and Honour than inconsistent with every Moral, and Religious Duty."

"You have given occasion to every Man of property, and probity, by the open, unreserved Menaces you have thrown out against the Lives and Property of many of the Inhabitants of this County, to look on your designs as bent rather upon destroying the Peace of this Government, and the security of it's Inhabitants, than a wish or intention to wait for any Legal process against those you imagine have abused their publick Trust."

"Upon these alarming prospects, I esteemed it my Duty to provide for the Safety of the Government, and to take care that the Publick receive [64.] no damage; To prevent therefore as much as possible the heavy Expense that must accrue to the Province, by providing against the Insults that are intended to be offered to his Majesty's Superior Court of Justice, I am peremptorily to require on your Part, that at least twelve of your Principals, and those of the first property, wait upon me at *Salisbury*, on Thursday the 25th of this month, and there in my Presence, to execute a Bond in the Sum of *One Thousand Pounds*, as a Security that no rescue shall be made of W. Butler, and Herman Husbands, at the Superior Court at *Hilborough*, they being under Recognizance, then to appear and take their Tryals."

William Tryon.

To be CONTINUED Weekly on Fridays.

A Fan for Fanning, and a Touch- Stone to Tryon. (No. XI.)

In the last Number was published Gov. Tryon's declaration of War: concerning which, we may be allowed one remark, viz. The Regulators, upon hearing rumours, and alarm, trusted not in them, but went to the Gov. and asked, were they true; upon being informed they were not the People believed and accepted the Gov's declarations, and confessed and humbled themselves. The Gov. is alarmed by "the unreserved menaces of the Regulators," and the manner of his Intelligence is "Hearsay"; and that contrary to the public declaration of the People by their Committees, made to his Excellency; Upon this, after a series of contradictory, and unintelligible conduct, &c. on the Gov's part, he publishes a declaration of War, with great formality against his own subjects, the People of his care, whom honor, office, and conscience ought to have obliged him to preserve and secure in the peaceable possession of the fruits of their Industry.

Had the Regulators been *the men* they are set forth to be in the afore-mentioned declaration of War, reason would that they should have rejoiced [66.] at this opportunity, put into their hands, of bringing the matter to a final issue by force and arms; and that in consequence hereof, they would have published their Manifest, and dared his Excellency to the Field: But far from such a conduct, influenced by a better spirit, they sent the Gov. in all haste, the following Letter, viz.

*"May it Please your Excellency."*²³

"We received your Letter by the hand of Mr. Lee, at the only time our Officers ever shewed any real intentions of informing us to what uses our Money is apply'd, and at a Time when we had hopes, and were persuaded matters were likely to be settled to the peace and satisfaction of the publick."

²³*An Impartial Relation*, pp. 36-38.

“We are truly affected with sorrow and concern, because of your Excellency’s displeasure, more especially are we affected with sorrow on account of the part of our conduct, which has given the Gov. occasion to charge us with breach of honour, and to look on us as rather bent on destroying the peace of this Government than to wait for Justice. We are much concerned at the thoughts of a difference arising between your Excellency and us; and we determine to guard against such offences for the future. The Commonalty have given occasion, for being under great oppression, and at the same time, threatened, as Rebels, &c, with Indians, to cut them off, &c, they were much incensed, and broke out into expressions, suggested by their Situation. We shall guard against this for the future.”—

[67.] “But, in the midst of all our sorrow we are rejoiced in this, to find your Excellency approving and consenting to our resolutions to petition the Legislative body, which is the thing generally agreed upon by the People.”

“As to the demand of security, that no rescue shall be made of the Prisoners, we beg it may be considered, that when alarms were spread among us of the Gov’s raising the Militia, and sending for Indians* to cut off the Inhabitants of this County, as Rebels, when we knew in our hearts and consciences, we were guilty of no such crime as Rebellion. At that time the multitude appeared violent, saying, If the Gov. chuses the Sword, we are at liberty to defend ourselves; upon which *the more Considerate*, willing to believe these reports, and alarms, to be groundless, interposed, moderated and pacified the whole. Now, it is more than probable, these are they who will be judged the Principals of us; and these are they whom we depend upon to govern the multitude: and we have no doubt but they always will be able and willing to do so. But, should any one of these men enter into Bonds, as required by your Excellency, such a conduct would infallibly destroy their influence; so that such a step would be so far from doing good, [68.] that it would effectually open a door to violent measures on the side of the People.”

Moreover, we apprehend such a thing altogether unnecessary; for there never was an intention to rescue the Prisoners; your Excellency

* There are the remains of the Catawbee Tribe of Indians, in North-Carolina, to whom the Government has allotted a certain tract of land, on or near the great River, that bears the name of the tribe; These, we suppose, are the Indians, with which the Regulators were said to have been threatened.

has therefore been misinformed in this matter. The only thing thought of, and designed by the People is, *To beg the Governor to dissolve the Assembly*. And, so far as we know the minds of the People, this one step alone would stop every mouth, and every complaint, but what would go through, and by way of such Representatives, as should then be chosen."

"As the Gov. may observe by the detail of our proceedings, presented with our address, that it was the Representative's refusing us a conference, and threatening us for requesting one, and affrighting, and deterring us from petitioning for Redress; that were the first cause of disorder. Therefore, as the stopping the free passage of this channel has occasioned the obstruction of good order, so the opening of that passage will assuredly restore it again.

Signed in behalf of the Regulators, by

JOSEPH HUNTER.

PETER JULIAN.

THOMAS WELBURN.

At the time the Regulators sent this Letter, his Excellency was too busy, in raising an Army, to take any notice of the things contained in it.

The design of raising Troops, appears to have [69.] been, in part, at least, "To prevent damage, &c, to the Government, and the Insults intended to be offered to his Majesty's Superior-Court of Justice"; And that, because the Regulators had refused to give the security required by the Gov. Whether the Gov. had a power, *Justly* to make such a Requisition? and how far the refusal of the Regulators may be considered as disobedience to Authority? How great the real danger of the Government? Are questions, answered in the affirmative, by the conduct of the Gov. in collecting an armed Force, and Stationing them in Town, upon pretence of preventing insults, &c, which the Regulators profess never were intended.

One Complaint, the Regulators make against the Gov. is, That he gave advantage to the Officers, &c, by abetting their side of the dispute, and making himself the Principal; whereas, had he done his duty, he would not have made any side his own, but have done Justice and Equity to both, or to all. This conduct of his Excellency gave rise to, and still keeps a live, in the breasts of many, a suspicion

that there was a design concerted, in which the Gov. was a principal Character, and the Palace a Principal object. Nor is this suspicion so *far fetched* as many that were circulated by the Gov's friends to the great prejudice of many hundreds of industrious Planters in North-Carolina. This by the way [. . .] return to the Court, at Hillsborough [. . .], where we find his Excellency Gov. [. . .] the head of *his Majesty's* Troops, in Possession of the Town.

[70.] About 3700 Regulators encamped within half a Mile of the Town, from whence, they sent to his Excellency the following Message, viz. "If your Excellency will permit us, Peaceably to come into Town, and enter our Complaints against our Officers, and pardon all past breaches of the Peace, (except the two under Bail, who will stand their Trials) we will pay our Levies as usual."

The next day, the Governor sent the Regulators his answer, viz, "That every Man must give up his Gun in pledge until the prisoners are Tried." Upon receiving this answer from the Gov. the Regulators decamped, and all returned home, save about 30 who surrendered themselves to the Gov. and were disarmed.

The Court being set, four Indictments were preferred against Herman Husband; the fourth only was found by the grand Inquest for the County, a *True Bill*; the rest were returned Ignoramus. Upon the Bill found, the defendant plead *Not Guilty*, and was acquitted by the Jury—of—Trial, or the Petit-Jury, and discharged by the Court.

The same Day, at Hillsborough aforesaid, seven Bills of indictment were found against Col. Edmond Fanning; and the charge in each Indictment, was Extortion. Fanning, appeared to defend, plead Not Guilty; and put himself upon his Country; and was found Guilty, by his Peers, seven times; and the Court fined him *The sum of One Penny*, in each Case.

William Butler, with two others, of the [71.] Regulators, were tried at this Court, and found Guilty. It does not appear certainly, what their Crime was; the most probable account we can give is, that they were concerned in taking the Horse, &c, from the Sheriff, which had been seized for payment of Taxes.

These Men, it is said, "were sentenced to suffer imprisonment, for several Months, and to pay a large Fine." Though they soon broke Jail, and the Gov. sent a Pardon after them; which shows, that either he intended them a kindness, or that they were so troublesome, he

was glad to get *Rid of them*; Or, that he was Conscious they had been injured.

On the Tryal of Butler, &c, it was urged in his favour, "That the Tax was not legal; Then said the Judge, He should have sued the Sheriff." Upon this Herman Husband, brought an action against one of the Sheriffs, who, upon Tryal, was acquitted; and immediately sued Husband, for a malicious Prosecution. But before this matter was try'd in the civil Court, the general Assembly was called, and Husbonds laid the affair before them; and they adjudged the Tax, in part, Illegal; Notwithstanding which, say the Regulators, "the Sheriffs continued to demand it of us."

The Governor's Army, unused with the life of the Camp, by this time began to sicken, and many died; this, with the apparent Inutility of maintaining a force where no evil appeared, determined his Excellency, to brake up the campaign, and disband [72.] the Troops; upon which all that remain'd returned to their home, many of them very sorry they had exhibited such an Instance of folly.

Matters now took a new turn; the Governor dissolved the Assembly, and issued writs for a new Election: giving the People all they desired; tho' this matter, in order of time, is before the Superior Court above mentioned; and would have been adverted to, but for the sake of telling the whole that was done at said Court, in a Chain.

A little before the Election the Regulators wrote a letter to the Inhabitants of the Province, in general, respecting their Situation, their power, and their Duty; which Letter will be Published.

To be CONTINUED Weekly on Fridays.

A Fan for Fanning, and a Touch- Stone to Tryon. (No. X.)

Our former Numbers have been employed in giving a continued account of matters, as nearly in their successive order as could be; and have brought our readers on to 1769. We shall stop here for the present, in order to look back and collect some anecdotes which have been omitted, for the sake of a regular chain in the history. And here the reader will observe, that we have allowed ourselves the liberty of disconnection in the present Number, so that every Paragraph will stand alone, and be a small piece of history by itself.

When the people first applied to the Governor, he promised them his assistance in punishing their oppressors, and directed them to form a regular account of all their grievances, and to attest them properly before the Magistrate, or other legal officer of the district, and bring them to him. Whether the Gov. was really honest in this matter is somewhat doubtful: for, certain it is, one Magistrate was dismissed from the commission for favouring the People; it is certain that many were deterred from the discharge of their office in suffering the People [74.] to attest to their grievances, and from aiding them therein. This matter was mentioned to his Excellency by one of the committee of the People; and he said "It was a weak thing in the officers to do so." But there happened to be one who aided the aggrieved People; "and to him the Gov. himself so talked as that he afterwards, like the rest, refused to attest, or to administer the oath to the People" and therefore, say the People, "*We now* had very little good opinion of the Governor."

The Governor, in what has been called his declaration of War against the People, says, that he esteems it his duty to provide for the safety of the Government, &c. This He did by raising Troops, and cantoning them about in different Towns, for the declared purpose of defending his Majesty's courts of Justice from insults. This would have been a prudent step in the Gov. had there been any

danger. But when we look at facts, we are made to believe, at least to suspect, some other reason for raising this formidable armament, in the heart of the county. The Regulators did not threaten the COURT: It is true they handled a few Lawyers, Clerks, Sheriffs, Bombs, &c, with some *Roughness*; but they never imagined that hereby they INSULTED *His Majesty's Superior-Court of Justice*. When the Officers, and Lawyers, injured the People, the Gov. told them the laws of their Country were their security, and that they had their actions. Why did not the Gov. tell the Lawyers &c, the same story, when the People, robb'd, insulted, mocked, and every way abused by petty foggers, and a "swarm of catterpillers," [75.] gave these pests of society the demerit of their crimes. In this case the Laws were not sufficient without Guards, and Main-Guards, and Centries, &c. This one fact might support a suspicion that the Gov. had something more in view, in raising Troops, and garrisoning Towns, than merely to defend the Court from Insults, &c. But to give a little more light to his Excellency's conduct, we will subjoin the following anecdote; viz. In Salisbury, a little before the Court, orders issued to raise Troops, for the purpose, as was pretended, of guarding the Court; at the Court these Troops were so disposed of as that no Man could come to the Court without passing Centinels, by whom every Man, whom they suspected, was examined what his business was: and all who "dared to own" "that it was to complain of Officers", were ill used by the Guards, and threatened, and put in fear: so that many, by this means, were driven home; others, who disregarded the threats and insults of the soldiers, were ordered out of Town by the commanding officer, and obliged to go at a few minutes warning; in short, none were allowed to stay in Town but those who were under Recognizance, or otherways bound to appear at Court. And of these it is said, "that they could not get an attorney to appear for them, unless they gave bonds for sums from fifty to three hundred pounds." And, indeed, the accounts given of the whole conduct of this Court, are exceeded by nothing since the DAYS OF THE STAR-CHAMBER; except it be by the following fact, exhibited in the county, where Fanning had the direction of affairs.

[76.] On the Morning of the second day of May 1768 about twelve Men all arm'd with guns and pistols, enter'd the house of Mr. Herman Husband, thro' the back door;²⁴ One of them immediately

²⁴ The following account of Husbunds prosecution is based on *An Impartial Relation* p. 41ff.

laid hold of said Husband, saying "you are the King's Prisoner"! For what, asked Husband. On suspicion of being concerned in the Mob, replied the Captor"; and immediately hurried him off, not suffering him to take leave of his Family. In travelling a little distance from Husband's house they fell in with Fanning, who was waiting for them, who treated the prisoner with contemptuous Ridicule. Thus escorted they arrived at Hillsborough, where Husband, and Butler, whom we have mentioned before, were put into a Fort, mounted with swivel Guns, under a strong Guard. From this place of confinement, after a few hours, Husband was taken before a Magistrate, who charged him as follows, viz. "*Somebody* hath informed against you, that there is cause of suspicion, of your having a hand in the Mob." Husband denied the charge; then Col. Fanning being called, and sworn, said "that he (Fanning) formerly received a paper, summoning him to appear at a Mill, and he *thought* it was Husband's hand writing." "And further, That he had received Papers from the Mob which referred to that paper."

Then was Thomas Hogan sworn, who said, that Husband had confessed he had been at some meetings of the Mob." Upon this, said Husband was committed close prisoner to the common Jail; where he continued till about midnight, when he was taken out, and tied with his hands behind his back, [77.] and set on horse-back, and tied with his feet under the body of the horse, and led away, with design, as they said, who were the ministers of this cruel treatment, to hang him, without judge or jury. Husband, alarmed at this, desired to see Col. Fanning: Fanning came, and asked wherefore he had been sent for? Husband answered, "If you will release me, and set me free, I will promise not to concern myself any more, whether you take too large fees or not." Upon which, Fanning says you must promise "Never to give your opinion of the Laws, never to assemble yourself among the People, never show any jealousies of the Officers taking extraordinary fees, that if ever you hear any one speaking disrespectfully of the Officers, or hinting jealousies respecting their fees, you will reprove and caution them, that you will tell the People you are satisfied all Taxes are agreeable to Law, that you will do every thing in your power to moderate and pacify the People."—All which Husband promised; alleging, in his own favour that *Duress* excused

him from obligation. Hereupon having entered into recognizance, and given bail, Husband was suffered to return home. A few days before the following Court, at which Husband was to be try'd, it appears that he went to Hillsborough; wether to engage an Attorney, or what else, is not certain; but when they got him there, they kep't him; for, by this time, the Town was strongly guarded with Soldiers, who suffered none to come in, or go out, but as they pleased. Husband describes his situation at Hillsborough, in the following words nearly, viz. "I could not even walk the Streets about the court-house, without being in[78.]sulted, at every turn, by the Soldiers, who ran upon me with fixed bayonets, so that I could not tell but that every step I took would be my last. I was once seized, by a Party of the Troops, and dragged into a Tavern, or publick house; there they fixed me to stand on a table, and in a ring surrounded me, to make sport; in this situation they kept me for some time; they who possess the feelings of human nature can conceive of my condition, and state of mind, better than I can describe them. I was at length released by the interposition of some Man, whom I took to be the commanding Officer." After suffering much for several days in the above manner, Husband was brought before the Court, where Fanning alleged that he had committed crimes, since his entering into Recognizance, which concerned his life. Upon this, Husband was committed once more close prisoner, not to the same Jail as before, but to a new one, built higher than the former, stockaded all around. Into an apartment of the Prison-House he was introduced, where were nine or ten persons, who saluted Mr. Husband, upon his entrance, with pointing to a Gallows, erected in this New High Jail, in the midst thereof. The apartment was so small that the prisoners were obliged either to lay one on the other, or while some attempted to close their eyes, stretched on the cold floor, others were obliged to stand. In this place, says our author, I had a fresh remembrance of what I had read of Inquisitions, East-India Imprisonments, &c! Having been thus confined for some time, Butler and Husband, were sent for, and admitted to bail, until the next Court: and this discovered the crimes alledged by Fanning, [79.] against Husband's Life; which were no other than these, Fan. saw that Husband would be able to prove in Court, the things he had charged the officers with; He saw also that the officers, and himself among them, had no way of coming off, but by setting

aside the Tryals; in order to this, Fanning feigns an excuse for imprisoning Husband and Butler, and then banishes out of Town all the men that had come to support Husband in convicting the Officers &c; and as soon as this was accomplished, Husband was liberated; when he had the mortification to see his enemies triumphing over him, and himself alone without a second, all witnesses having disappeared. In *this* situation, says our author, "I looked upon myself as a Captive among Indians, Nabobs, or Lord-Inquisitors."

We have said "that the conduct of the civil Courts in North-Carolina was in many instances *Unaccountable*." One of these instances is the following: when Husband was imprisoned by Fanning, as recited above, and was thereby deprived of a power of doing himself justice by the Law, he, in this situation, signed obligations, for certain sums of Money, to Attorneys, in order to engage them in his favour, that he might not ever suffer from the cruel Tyranny of Fanning. These Attorneys, as it seems, cared very little what became of Husband, so be they could get his money; therefore at the next court Husband was sued upon one of these obligations; he plead in his defence *duress*, and offered to produce Witnesses to prove the unjust manner in which the obligation was obtained; the worshipful Court set aside his plea, [80.] and refused his Witnesses; and ordered the jury to give in their Verdict; which they did against Husband.

As soon as this matter was thus settled the Jury were informed, "That there was another action exactly similar; *upon which, without more ado, they were sworn, and gave a verdict as before.* Oh LIBERTY! thou dearest Name! and PROPERTY! thou best of blessings! Whither are ye flown from the inhospitable land of Tryon and Fanning! blasted by the perjurious breath of Villains, who sell their Conscience for an *unworthy* Price, the smile of an *injurious* Man, ye are *forced* from the Courts, (miscall'd) of justice.

*To be CONTINUED Weekly on Fridays.*²⁵

²⁵ This is the end of the pamphlet.

X

A SERMON TO GOVERNOR TYRON AND HIS TROOPS
(1768). BY REV. GEORGE MICKLEJOHN.

INTRODUCTION

In the lamentable conflict with the Regulators Governor Tryon had considerable support from the clergy of the western counties. During his expedition of 1768 four Presbyterian clergymen united in an address expressing their loyalty and denouncing the Regulation; and similar sentiments were pronounced by Reverend Mr. Suther, a pastor among the Germans. These testimonials were made before Tryon reached Hillsborough; at that place he received two others, sermons preached by Rev. Henry Patillo, a Presbyterian, and Rev. Dr. George Micklejohn, of the Church of England, the latter being delivered at official request before the battalions of Orange and Granville. Patillo's discourse has not come down to us, but that of Dr. Micklejohn made such an impression that it was printed at public expense the following December. A copy is in the possession of the North Carolina Historical Commission, from which the present reprint is made; it has also been reprinted by Professor R. D. W. Connor in the *North Carolina Booklet* (Vol. VIII, pp. 57-78).

Information regarding Dr. Micklejohn is by no means as complete as we should desire.¹ He came to North Carolina in 1766 recommended by the Society for the Propagation of the Gospel in Foreign Parts, and made an excellent impression on Governor Tryon. By Tryon he was sent to Rowan County, but soon after he appears as Rector of St. Matthew's Church, Orange County. In the spring of 1768 he assumed the rôle of mediator between the Regulators and the county officials, and sought to arrange an interview between them. When the Regulators drifted into violence his support was given to the constituted authorities, his sermon being delivered on Sunday, September 25. However at the time of the Alamance affair and its aftermath, there is a tradition that the evidence incriminating Thomas Person was destroyed, not by Person himself, but by Parson Micklejohn, and that thereby he aroused the suspicion of Tryon.

The career of Dr. Micklejohn after 1768 is full of interest. When the Revolution opened, he was inclined to be loyal to the Crown. Although he offered the official prayer at the Hillsborough Congress of 1775, he was among those captured by the patriots at Moore's

¹ There are references to him in the *Colonial Records of North Carolina*, Meade's *Old Families, Ministers, and Churches of Virginia*, and *Sketches of Church History in North Carolina* (Centennial Essay), 1892.

Creek. Fearing his influence in the western counties, he was paroled the following May by the Provincial Congress to Perquimans County; as he did not obey the order, troops were directed to enforce it. The following November he appeared before the Halifax Convention, subscribed to the oath of loyalty, and was thereupon discharged from parole. However, he did not return to Orange County, but took up his abode in Granville, where he became rector of St. John's Church. When an academy, Granville Hall, was chartered in 1779, he was named one of the trustees. Tradition says that he had once taught in Orange and that some of his parishoners in Granville besought him to resume instruction, but he replied that "he would have nothing to do with their little American Democrats, for it was hard enough to manage them before the Revolution and now it would be impossible." In 1790 he was president of the first Convention of the Clergy and Laity of North Carolina, meeting at Tarborough, and was elected by that body a delegate to the General Convention of the Protestant Episcopal Church and also a member of the Standing Committee for North Carolina; to the latter committee he was again elected in 1794. Some time in the early nineteenth century he removed to Mecklenburg County, Virginia. There he frequently preached, but his name does not appear as officially connected with any church or parish. About 1817 Rev. John Stark Ravenscroft, then Rector of St. James, Mecklenburg, declared in a sermon that Dr. Micklejohn could give a century's verdict to the truth of the Gospel; at once there was an interruption from the congregation, "Naw, Naw, Ninety-aht, ninety-aht!" It is said that he died shortly after.

On the important Duty of SUBJECTION to the
CIVIL POWERS.

A

S E R M O N

Preached before his EXCELLENCY

WILLIAM TRYON, Esquire,
GOVERNOR, and Commander in Chief of the
Province of NORTH-CAROLINA,

AND THE

TROOPS raised to quell the late
INSURRECTION,

AT

HILLSBOROUGH, in ORANGE County,

On SUNDAY September 25, 1766.

By GEO. MICKLEJOHN, S. T. D.

NEW BERN:

Printed by JAMES DAVIS,

M,DCC,LXVIII.

DEDICATION.

TO

HIS EXCELLENCY

WILLIAM TRYON, *Esquire*

Governor and Commander in Chief of the
Province of *NORTH-CAROLINA*

SIR,

THE Kind Approbation with which YOU have favoured this DISCOURSE, is as much an Honour as it is a Satisfaction to me; for which I desire Your Excellency to accept my grateful Acknowledgments: And as You, with many other Honorable Gentlemen, have, in so particularly obliging a Manner, signified Your Desire at seeing it published, I have complied with Your Request; which, indeed, I must own, You put it out of my Power to refuse. I heartily pray GOD it may be attended with those beneficial Effects, which You seem to entertain so much Hopes of: And if it should be instrumental in bringing any to a just Sense of the great DUTY inculcated therein, and a religious Observance of it for the future, My Pleasure would be greatly heightened, by the Happiness I am sensible You will receive Yourself. With My earnest Wishes for Your Excellency's present Felicity, as well as Eternal Welfare, which it will always be a peculiar Joy to Me to promote,

I remain, *SIR,*

Your EXCELLENCY'S

Ever faithful and obliged

Humble Servant,

GEO. MICKLEJOHN.

A SERMON, &c.

ST. PAUL'S *Epistle to the ROMANS*, Chap. XIII, Verses 1st & 2d.

Let every Soul be subject unto the higher Powers; for there is no Power but of God; the Powers that be, are ordained of God.

Whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, shall receive to themselves Damnation.

I AM persuaded, that every one who feels the least regard for the welfare and happiness of his country; and the peace and comfort of his fellow-subjects and countrymen, will look upon the subject as highly proper, and seasonable at this time.

FOR who can reflect upon so many wretched and unthinking men, thus madly attempting to subvert the laws of the kingdom; thus inconsiderately involving friends, relations and neighbours, in the most direful calamity, and foolishly bringing upon themselves destruction here, and damnation hereafter;—who can look upon so deplorable a scene, without feeling the most earnest desires, that every such rash and misguided person could be made duly sensible of the dreadful impiety of so daring and wicked an action, as well as of the certain misery that must inevitably be the consequence?

IT is possible this alarming consideration may prevail with some persons, when every other more laudable motive fails of its proper influence; and, it is to be hoped, that a sight of their danger may bring them to a sense of their duty.

WITH this view, I have singled out the words of the text for the subject of our present meditation: And though I have the pleasure to think I am speaking before those who stand not in need of [2] the admonition they contain, yet I thought it not improper for us to consider the several arguments which enforce this great duty here enjoined; that we may not only be preserv'd stedfast in our obedience to it ourselves, but may be able to convince others of the danger, as well as error of their ways; and keep them, for the future, in the paths of duty and allegiance, from which they have lately so unhappily wandered.

YOU cannot but observe then, in the first place, that this important duty of subjection to lawful authority, is one plain and principal doctrine of Christianity. It is here delivered to the world by

an inspired Apostle of CHRIST; by *Him*, whom our LORD, in a vision to *Ananias*, honours with the distinguishing title of "*a chosen vessel to Himself*." He it is, who, thus commissioned from above, gives us, in the name of the most high GOD, this solemn command in the words of the text; to which we are, all of us, both high and low, rich and poor, wise and ignorant, indispensably obliged to pay the highest reverence and regard; and no rank nor station in life, can possibly exempt any one from the strictest obedience to it: For it is directed to all men in general, without any exception—*Let every soul be subject to the higher powers*—and it comes to us by the *Authority* of the same GOD and SAVIOUR, who has given us every other precept that we meet with in holy scripture:—It comes to us from that sovereign LORD OF ALL LORDS, whose name we have the honor to bear; whose subjects we profess ourselves at present; and whose eternal kingdom we hope to become inheritors of hereafter: 'Till men, therefore, have renounced CHRIST, and apostatized from *his* religion—'till they have disowned *his* sovereignty and dominion over them, and given up all expectations of future happiness from his favour, they must acknowledge themselves bound, by the strongest ties, both of interest and gratitude, to comply with this sacred injunction, no less than with every other command of *his Divine Gospel*.

BUT we may still further judge of the singular importance of this duty enjoined us in the text, from that remarkable stress laid upon [3] it by the great Apostle in several other of his Epistles. When he is delivering his apostolical injunctions to *Titus*, and instructing him in the several branches of his duty as a minister of *Christ*, he gives it him in charge, in a very solemn manner, to put men in mind, to be subject to principalities and powers; to obey *Magistrates*; to speak evil of *no man*; to be no *brawlers*, but *gentle*; shewing all *meekness to all men*. These things, says he, I will that thou affirm constantly, that they which have believed in God, that is, they who have acknowledged the truth of that revelation he has made us in the Gospel, might be careful to maintain good works: These things are good and profitable unto men.

AND in the first Epistle to *Timothy*, he carries this request and reverence for the powers that are lawfully set over us, to a still greater height; making it our duty, not only to be subject unto them, but to implore the favour of Heaven upon them, and the divine bless-

ing on their endeavours for the public happiness and tranquility. *I exhort first of all, says the Apostle, that Supplications, Prayers, Intercessions, and giving of Thanks, be made for all Men: For Kings, and for all that are in Authority; that we may lead a quiet and peaceable life, in all godliness and honesty; for this is good, and acceptable in the sight of God our Saviour.*

JUDGE therefore in yourselves, my beloved brethren, and beseech others, in the name of God, to consider how dreadful a breach of this duty they must be guilty of, who, instead of praying for the safety of our governors and protectors, presume to threaten their sacred persons with violence, to whom God had commanded us to pay the highest veneration, because they derive their authority from *him*.

AND this leads me to a second very material argument, arising from the words of the text, which strongly enforces this duty, and to which it becomes every one seriously to attend: For surely nothing should more fully convince us of our obligation to pay the most ready obedience to this precept of Christianity, than the solemn reason which the Apostle has immediately subjoined: *Let every soul [4] be subject to the higher powers; for there is no power but of God: the powers that be, are ordained of God.*

HAD this precept been delivered to mankind without pointing out to them at the same time, this particularly awful sanction; yet even then our observance of it would have remained indispensable: For when God commands, man is to obey.

THAT God, from *whom* we have received life and breath, and all things, and to *whom* we are indebted for every comfort and blessing we enjoy—that God, upon *whom alone* we are to depend to all eternity, and by *whom* our unalterable fate is to be finally determined;—this great and adorable BEING has an uncontrollable right over *his* dependent creatures, to lay upon them whatever commands *his* wisdom sees proper for them, without being obliged to satisfy them of the reasons for such his sovereign will and pleasure. But in case before us, you cannot but take notice, in how very different a manner God has been pleased to deal with us; for while he gives us this command by his holy Apostle, he graciously condescends to inform us of those weighty reasons upon which the duty is founded, and which would be most likely to engage us in a religious observance of it.

WE are commanded, therefore, *to be subject to the higher powers*, because the authority they are invested with is from HEAVEN: *The powers that be are ordained of God!*—They are God's vice-grements upon earth, and instruments in the hand of his providence, for carrying on the grand purposes of production and government, and for securing the peace and happiness of mankind.

AND though, indeed, they are sometimes unhappily obliged, through the perverseness and wickedness that is in the world, to become *unwilling* avengers, to execute wrath upon every one that doth evil; yet are they, in general, the ministers of God to us, for good, and for the praise and reward of them that do well.

WAS it not for this necessary power which has been committed to them by the ALMIGHTY, every thing must soon be involved in the most dreadful anarchy and confusion. Every man's own will [5] would then be his law; and no language can fully describe those various scenes of misery and horror which would continually arise before us, from the discordant passions and divided interests of mankind. But God in his infinite goodness, has provided a natural security against all these mischiefs in those different ranks and orders of men, which his wisdom has thought proper should subsist in the world; and in which some are allotted to govern, and others obliged to obey, that so the happiness of the whole community might the more effectually be preserved. And upon these *guardians* of the public and general welfare, God has been pleased to confer a divine authority, to render their persons, as well as ordinances, the more sacred and venerable.

IT is by *him*, therefore, that kings reign, and princes decree justice; by *him* princes rule, and nobles, even all the judges of the earth: And as it is very beautifully expressed in the book of Wisdom, *power* is given them of the LORD, and *sovereignty* from the *Highest*: To the truth of this important point, we have a greater than *Solomon* bearing testimony; even our blessed Saviour himself, *who*, when *Pilate* was boasting of that power he had over *him*, either to crucify or to release *him*, puts him in mind from whence he had received his authority; and given him this mild and instructive answer. *Thou couldst have no power at all against me, except it were given thee from above.*

HERE we learn from the mouth of our *Redeemer himself*, whence is derived that dignity and sacredness, which belong to those who

are invested with any public power and office.—Here we behold the God of the universe submitting to the supreme authority *he himself* has conferred upon man; and acknowledging the reverence due to that very power, which was shortly to pronounce the sentence of death against *him*.

BUT we have a still more striking and remarkable instance of submission and respect to the *Civil Powers*, which our blessed Lord, upon another occasion, condescended to show, and which highly deserves every one's serious attention and regard: It is recorded by the [6] Evangelist *St. Matthew*, in the 17th chapter of his Gospel, that when our Lord was come to *Capernaum*, they who received the tribute money, which was required of every Jew above the age of twenty, demanded of *St. Peter*, whether his *Master* intended to pay it. *St. Peter* very readily engages for his Lord's willing and chearful compliance; as he well knew how exact had ever been *his* observance of every civil, as well as religious duty: But when he came into the house to inform his master of this demand, our *blessed Saviour*, by an easy similtude, leads him to understand, that he had been too hasty in his promises for *him*; for surely, if the children of earthly princes could plead a freedom from paying any custom or tribute, (as appeared in his own reply to the question our Lord had proposed) much more reasonably might *he* be exempted from it, who was *himself* the *Lord of all things*, and the *Son* of that heavenly *King*, for the service of *whose* temple this particular tribute was paid.—But notwithstanding our Lord might have justly claimed this privilege and exemption; yet, you see, *he* willingly declines it; and, *Least we should offend them*, says *he*, to the Apostle, *go thou to the sea, and cast an hook, and take up the fish that first cometh up; and when thou hast opened his mouth, thou shalt find a piece of money; that take, and give unto them for me and for thee*.—What condescension was this in the Son of God!—Who but must be struck with admiration at this amazing instance of *goodness*, in thus vouchsafing to work a miracle, rather than to not satisfy the demands of public authority; least, by refusing compliance *himself*, he might countenance others in disobedience and rebellion! And who is there that will presume to offer insult to the powers that are in authority, or shew the least resistance, when he considers how remarkably our Lord was pleased to honour them, by expressing the most cautious fear of displeasing them, and thus wonderfully providing against

giving any offence?—In order, therefore, to guard men from incurring the guilt of so heinous a crime, let us, in the third place, briefly consider the dreadful consequences that must attend it.—This the Apostle gives us, in these few, but awful words, *They that [7] resist, shall receive to themselves DAMNATION*; not only condemnation in this *world*, but eternal *vengeance* in the *life to come*.—And here again, we cannot but observe, the great importance of this duty of subjection, from that tender care which the goodness of GOD has taken to secure our obedience to it. Some precepts are delivered to us without any particular intimation of the punishment attending our neglect: But this was a matter of so much consequence to the general comfort and happiness of the world, that the *divine wisdom* thought it necessary for us, while we read the sacred injunction, to have before our eyes that future misery which must follow the violation of it: So that, if the love of God, and reverence for *his* commands, should fail to produce this becoming submission, a regard for our own *Everlasting Interest* might possibly prevail.

GOD has, therefore, been pleased, by *his* holy Apostle, to pronounce the sentence of *inevitable perdition upon all those who refuse subjection to lawful power and authority*; as hereby, they not only shew the highest contempt of *his* positive command, but do all in their power to obstruct the gracious designs of *his* providence, for the *good and welfare* of *mankind*. So that, upon calm consideration, every one must acknowledge, there cannot possibly be offered a greater insult to *Almighty* GOD, than thus contemptuously to disregard *his* will, and despise those sacred powers whom *he* has ordained and appointed to carry on the best and noblest purposes in the world: And what wonder then is it that so terrible a portion is reserved in store for every such bold and presumptuous offender?—God is represented in scriptures as the *God of Peace*, and *Lover of Concord*; and we are, for this reason, commanded, in another place, to follow peace with all men; because, without this, no man shall see the LORD. Every one, therefore shall hereafter be banished from *his* presence and glory who dares to disturb, in the least degree, that peace and harmony; or endeavours, in any respect, to destroy that good order and government, which it is the intention of HEAVEN should be supported in the world.

[8] BUT though we were not able to assign any particular reason for this severe judgment mentioned in the text, yet ought

it to be sufficient warning to every rebellious sinner, to find how positively it is there denounced: For what God has so solemnly threatened, *he* will most assuredly inflict.

THESE then are the principal reasons which enforce the duty enjoined by the Apostle; but there are several others, which, if duly attended to, cannot but add considerable weight to the arguments already offered, and which I shall, therefore, beg briefly to mention.

LET it be considered then, that resistance to that lawful power and authority which God hath set over us, can never possibly be productive of any thing but the wildest uproar, and most universal confusion; and, in the end, can never fail of being attended with the most shocking and dismal effects.

OF this we would have seen a dreadful and melancholy proof; and God only knows what worse consequences might have ensued, had they not been happily prevented by the good conduct of those brave men, who distinguished themselves as remarkably by their HUMANITY, as by the VALOUR, they shewed on that trying occasion.

TO their courage and intrepidity will ever be due our warmest gratitude and thanks; which, blessed be God, gave so timely a check to the desperate fury of those rash men who were engaged in that execrable attempt; and to their humanity these very men ever acknowledge themselves obliged, which bore so long and patiently their repeated and exasperating insults, and treated them afterwards with greater leniently than they could reasonably expect; for where one has not fallen, twenty ought to have suffered.

LET every one learn, that outrage and violence can never answer any other end but to spread slaughter and desolation around us; and to introduce the most wretched scenes of misery and distress: Let them consider further, how impossible it is that any good can ever be brought about by such wicked means; and that tho(ugh) some [9] may only meet the ruin their rashness has sought, yet many others must unavoidably become partakers in the calamity who were never partners in the crime.

THE consideration therefore of the present misfortunes, in which many of their fellow creatures must be involved, as well as the future destruction to which others are exposed by such daring acts of rebellion, will naturally restrain every man from uniting in them

who has the least spark of humanity and compassion remaining in his breast.

ANOTHER motive which cannot but have great weight with every generous mind, is the reflection that every the least Insult offered to magistrates and governors, is an act of the basest ingratitude against those who are, under God, our protectors and guardians, not only from foreign Enemies, but from every domestic foe: To them we owe our security from all that numerous train of mischiefs to which we should be daily liable, from the corruption and wickedness of the world, if under no restraint from human laws, and unawed by proper authority!—To them are we indebted for the safe and comfortable enjoyment of all the blessings of private life, and all the advantages we derive from civil society!—Were there not some who would take upon them the arduous business of public government, the execution of laws, and administration of justice, how would vice and iniquity every where triumph! And what must become of the welfare and tranquility of every individual, were men left at full liberty to plan their malicious schemes against them, and knew they could safely execute them whenever they pleased? What must become of the general peace and happiness of the whole community, when fraud and injustice, oppression and violence, with every other crime that is injurious to society, might be perpetrated with impunity, and without controul? How infinitely then are we obliged to those persons who willingly undertake so important a trust, and by whose care, abilities and vigilance, these evils are prevented, and the public felicity preserved? And how very [10] enormous and shocking is the offence, when in the discharge of their laborious office, they are treated with insolence instead of honour, and met with threatenings instead of thanks!

BUT lastly, there is one remark I have further to make, and which ought to have a peculiar force with the people of this land, in leading them chearfully to that subjection which is represented in the text, as the common duty of all men.—I would beg leave to observe therefore, that for an *Englishman* to oppose the laws of his country, is an instance of the highest folly and contradiction we can conceive: For such is the singular excellence of our happy constitution, that the laws to which our obedience is required, are, in reality, no other than what we ourselves have been partly concerned in making.

ALL men must know, that it is impossible for a whole province to meet together for this important work; and every one, I believe, will acknowledge, that were they so assembled, very few would be found capable of carrying it on: For as the wise son of *Sirac* very justly observes, *How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen, and is occupied in their labours; and whose talk is of bullocks? They shall not be sought for in the public council; nor sit high in the congregation; they cannot sit in the judges seat, nor understand the sentence of judgment:* Since therefore, we cannot all be present in this great assembly, wherein the weighty business of public government is transacted, we have this peculiar privilege, *and a glorious one it is*, of appointing such persons, in whose abilities, understanding, and integrity, we think we may safely confide, to appear for us, in that august assembly; and who are, upon that account, very properly stiled *our representatives*.

IN consequence then of this choice, which we have the liberty to make, and that full power we voluntarily give into their hands; we not only yield our consent before-hand to whatever laws they may judge it expedient to enact, but may be justly said to have had [11] a principal share in enacting them ourselves; inasmuch as they are framed by their wisdom, and established by their authority, whom we have appointed for that very purpose.

SO that every man, of the most common understanding, if he will allow himself a moment's reflection, may easily see how particularly it is the duty of every one of us, to submit to the laws of his land; and, how astonishing an absurdity it must appear to all the world, if ever we refuse that becoming subjection.

HOW happy would millions think themselves at this hour, who know no other law than the imperious will of some arbitrary prince, could they change situations with us, and taste the singular blessing we enjoy, in being govern'd by the laws we ourselves have made! Let us take care, we set a due value upon this inestimable privilege; lest, if we slight these distinguishing marks of God's favour, and disturb that excellent form of government which his providence has so long preserved among us,—*He* may be provoked to deprive us of it, and bring upon us the misery which such ingratitude would deserve.

I SHALL now briefly sum up what has been said in this discourse, that we may see how many, and powerful are the arguments

we are furnished with, to engage us in stedfast observance of this duty, and enable us to convince others of their indispensable obligations to practice it.

YOU find, then, it is a duty which is guarded from violation by all the most sacred and awful sanctions that could possibly be thought of; and bound upon us, by every tie, civil, moral, and divine.—The peace and tranquility of our fellow-subjects and countrymen demand our obedience to it.—The well-being and happiness of society in general, and the comfort and felicity of our dear relations, friends and neighbors in particular, depend upon it; and without our conscientious performance of it, an universal scene of confusion must soon prevail, and all be involved together in the deepest calamity and horror.

[12] LET all such persons therefore who dare to think of engaging in any act of rebellion and disobedience, be intreated to contemplate a little those various and horrible miseries they will unavoidably occasion, and that may possibly deter them from it:—Let them listen to the cries of the disconsolate widow;—behold the tears of the helpless orphan; and consider, how they will be able to endure the sad upbraidings of those miserable mourners, who may justly take up against them the lamentations of the prophet *Jeremiah*: *Is it nothing to you, all ye that pass by? behold, and see if there be any sorrow like unto my sorrow, which your rashness and iniquity have brought upon us!*

BUT particularly let them remember, that the blood which may be shed by their means, will hereafter be required at their hands; and that every one of those unhappy souls who shall be brought to an untimely end through their evil counsels and wicked instigations, and sent into another world with all their sins about them, will rise up in judgment against them at the last day, and call for tenfold vengeance on their devoted heads.

LET them be farther put in mind, that gratitude to those who afford us a peaceful security from every ill, should engage us in a steady adherence to this duty, at all times and upon every occasion: Should lead us to return obedience for protection, and repay the kind exertion of their abilities and endeavours for the public happiness, with the easy tribute of reverence and affection.

BUT some men may have neither humanity nor generosity in their tempers, to be affected by such consideration as these. To them

therefore we must open the sacred page (which, perhaps, they have never before looked into) and point out the solemn and positive command of God enforcing this great duty; and tho(ugh) they may not regard an earthly potentate, yet surely they will stand in awe of the MAJESTY of HEAVEN: Or, as holy *Job* emphatically puts the question: *Shall not HIS EXCELLENCY make them afraid? and shall not His DREAD fall upon them?*—Shew them, moreover, [13] the foundation upon which the reasonableness of this duty is supported: Tell them, that obedience to the civil powers is required of us, not only because God has commanded it, but given us also this very solemn reason, enforcing that command—that they were instituted and ordained by Himself. When they read therefore, that there is no power but of God, beseech them seriously to consider how detestable they must render themselves in His sight, who, instead of submitting to every ordinance of man for the Lord's sake, (as we are taught by another Apostle, is our bounden duty) dare to rise up themselves, and compel others to unite with them, in opposition to any law that has been legally established; or to obstruct the ministers of justice in the execution of that high office they are obliged by oath to discharge, and which has been derived to them from the authority of the *Almighty* himself.

NOTHING, one would think, could so effectually strengthen our obligation to the duty of subjection, as this single consideration, that whosoever resisteth the power, resisteth the ordinance of God; and that every such wicked and desperate attempt is not only treason against an earthly sovereign, but rebellion against the most high God.

AS a farther motive to this duty, and because example is more prevailing than precept, bid them turn their eyes upon the meek and blessed Jesus, and behold him in that gracious and condescending act of submission, I mentioned in the former part of this discourse.—Ask them, if they are not sensible, that He who could feed five thousand men with a few loaves and fishes, could have supported millions with the same ease, to have protected him from the resentment of the civil powers, if he had thought fit to have made the least opposition? But instead of showing resistance, we behold Him here manifesting the most tender concern and regard for the support of their authority; and by that miraculous method he took to pay obedience to it, convincing mankind of the necessity and importance of this great duty.

SHALL man then presume to refuse that submission which God himself has thus condescended to pay? This amiable pattern we [14] have before us in the person of our great *Redeemer*, ought to have an irresistible influence upon all who call themselves by *his* name; and was, no doubt, intended for our imitation by that gracious Being, who came from HEAVEN with this peculiar design, to leave us an example that we might follow his steps.

FINALLY, whereas the more various and powerful the motives are, which enforce any duty, so much more aggravated will be the crime which leads us to break through them: Oh! beseech them therefore, in the Pathetic words of St. *Peter*, to repent of this their wickedness; and pray God, if perhaps the thought of their heart may be forgiven by them. This repentance and contrition, if accompanied with future obedience, may not only procure them pardon at an earthly tribunal, but when they come to stand before the judgment seat of CHRIST, will be one means of their obtaining mercy from the Lord in that day, and escaping the vengeance which will otherwise fall upon them. And this leads me to the last motive we have, to enforce their observance of this Christian duty enjoined in the text; that consideration of that eternal misery denounced against those who neglect it.

IF men have no love for their country; if they have no regard for the peace and happiness of those around them; if they have neither humanity nor compassion; neither gratitude nor generosity in their breasts; if they have no veneration for their king, nor reverence for the best constitution in the world; yet they must have some affection for themselves: And though they may despise the commands of GOD, and the example of a SAVIOUR, yet they cannot disregard their own everlasting welfare. This motive then may possibly bring them to repentance, and a better mind, when every other has failed of its influence; and let us not omit incessantly, and importunately, to urge it upon them.

WARN them of the certain perdition they must inevitably bring upon themselves; and exhort them to consider in time, how fearful a thing it is to fall into the hands of the LIVING GOD! Tell them our God is a consuming fire to such workers of iniquity, and able [15] to destroy both body and soul for ever; and bid them therefore remember, that though they may escape from the sword

of justice in this life, they cannot escape the DAMNATION OF HELL.

MAY the good grace of God preserve us at all times from falling into the like crime, that we may never incur so dreadful a condemnation. And as we of this land are peculiarly blessed at this time with one of the most amiable and excellent Governors that ever adorned a province, who has given us his *promise*, that the felicity of his people shall ever be his principal care; let it be our perpetual study and delight, by every means in our power, and particularly by all dutiful submission to *him*, and *those* whom *he* shall set over us, to render *his* government as peaceful and happy to our affectionate SOVEREIGN, as he will endeavor to make it to us his grateful subjects.

SO shall we secure the blessings of Heaven on ourselves and our posterity; and whenever we are removed out of this troublesome world, shall become members of that blessed kingdom, where universal peace and love, and uninterrupted concord and harmony, will reign for ever and ever. *Amen.*

XI

A TABLE OF NORTH CAROLINA TAXES, 1748-1770.

INTRODUCTION

This broadside is a part of an important investigation of the finances of North Carolina undertaken in the year 1769. Discontent was then rife throughout the province. The conviction that local officials were corrupt was not confined to the Regulators; it was likewise held by many, notably by Governor Tryon, who declared that the sheriffs were delinquent with their accounts. There was also a belief that the taxes levied to redeem the outstanding issues of paper money had fulfilled their purpose and should no longer be collected. Consequently in December 1768, the Assembly authorized John Burgwyn, Clerk of the Court of Chancery and Secretary of the Council, to investigate the state of the public accounts, and the authorization was repeated the following December. The result was three reports. One was a statement of the accounts of the sheriffs which showed that those officials were behind in their settlements with the colonial treasury. The second report indicated that the taxes levied to retire the currency were greater than the amount of currency issued, and so contributed to the final controversy between the Governor and the Assembly concerning the currency. Both of these reports were filed in December, 1770. The third report, made probably at the same time, was a table of the number of taxables and the taxes paid, county by county, from 1748 to 1770. It is singular that while copies of the other reports may be found in the *Colonial Records*, this one is lacking; indeed, only one copy is known to exist, and that is in the possession of the Massachusetts Historical Society. By courtesy of that institution it is herewith reprinted.

The information contained in the table is not entirely self-explanatory. The taxes listed were levied on the poll, but some of the statutes authorizing them do not exist. Thus the rates for contingencies are not included in the revenue laws as published, or in the manuscript copies of the laws, although the captions of acts levying contingencies are sometimes given. Moreover, the rates on certain of the aids are not stated in the statutes; this is true of those levied in 1757, 1758, 1759, 1760 and 1761. Although in 1760 the aid for 1763 was fixed at 1s by the statute, it is noted in the table as 1s, 8d; and although a levy of 1s, 6d was authorized in

1758 for salaries and expenses, there is no memorandum of its collection. According to the table the sinking tax, which had its origin in 1748, was doubled in 1763 and 1764, for which there is no authorization in the statutes extant; in 1768 it appears to have been reduced, which also is not warranted in any known act of the Assembly.

In another detail of the table there is obscurity, that of the school tax levied from 1755 to 1761, inclusive. There is no provision for this to be found in the statutes; but Governor Dobbs, writing to the Board of Trade in 1757, mentions the tax as authorized in the aid granted in 1754, and he adds that it yields £900 per annum. The purpose of the tax was undoubtedly to support the £6,000 in bills of credit voted in 1754 for a public school in the province. However, the money was used for the expenses of the government in the French and Indian War and no reimbursement was granted the colony by the British authorities in settling the accounts at the end of that conflict. Hence the public school was never established.

From these facts it is evident that the statutes that have come down to us do not give a complete account of the taxes levied and that supplementary information may be gained from the table prepared by John Burgwyn. Another interesting phase of the table is the list of counties from which no tax was collected for various years after 1748. Some of these counties were of course nonexistent for the years in which no taxes are reported; the deficiency regarding others is doubtless due to the fact that their tax records were not available; but the lack of data pertaining to Chowan, Pasquotank, Perquimans, and Tyrrell is explained by the unarmed rebellion of 1748 and the confusion resulting therefrom.

XII

INFORMATIONS CONCERNING THE PROVINCE OF
NORTH CAROLINA ETC. (1773).

INTRODUCTION

There were two distinct waves of emigration from the Scotch Highlands to North Carolina. The first followed the battle of Culloden. Many of those who had taken part in the Rebellion of 1745 were pardoned on condition that they leave the realm; by 1749 more than 1,000 had accepted this condition, and of these many found homes in the upper Cape Fear region of North Carolina. The personal interest of Governor Gabriel Johnston, a Scotchman, in his fellow countrymen and the liberal policy of the Assembly in remitting the taxes of Scotch immigrants for ten years made North Carolina the principal objective of Highland emigration toward the middle of the eighteenth century.

This earlier migration has long had its proper place in North Carolina annals; but of greater proportions, and also less generally appreciated, was a second migration which began in the decade 1760-1770 and lasted until the opening of the Revolution. Its proper background was the change wrought in the social conditions of the Highlands by the policy of the British government after the Rebellion of 1745, especially the abolition of heritable jurisdictions and military tenures, and the prohibition of the traditional Highland costume—measures which greatly weakened the clan as a political and social institution. Commenting on the results of these measures Dr. Samuel Johnson wrote, after his tour of 1773: "There was perhaps never any change of national manners so quick, so great, and so general, as that which has operated in the Highlands by the last conquest."¹

The immediate causes of this later migration, however, are to be found in the economic conditions that accompanied the decline of the clan as a political and social unit, and these were threefold.

First was a change in land tenures. Prior to 1745 it was customary for the clan chiefs to mortgage or lease the land, the mortgaged properties being known as wadsets, the mortgagees as wadsetters; and the leased property as tacks, the lessees as tackmen. The wadsetters and tackmen rented the mortgaged or leased land to subtenants and by this system lessees and mortgagees acquired

¹ *A Journey to the Western Islands of Scotland*, I, p. 127 (edition of 1775).

wealth, especially through the cattle trade, which prospered greatly after the Act of Union. But with the abolition of heritable jurisdictions and military obligations which followed the Rebellion, the chiefs sought power in new directions and began to exploit the land. To this end they extinguished the mortgages and leases held by the wadsetters and tackmen and rented directly to the subtenants at higher rates. Thereupon the former lessees and mortgagees turned their eyes to America, where they hoped to establish landed properties with dependent tenants. A propaganda for emigration was carried on; clubs and societies were formed to finance the cause.²

A second cause contributing to emigration was the condition of the laborers and small farmers. Throughout the eighteenth century the Highlands were overpopulated. Agriculture and the arts did not prosper. Upon such a background sheep-growing was introduced, which threw thousands of agricultural workers out of employment and caused the eviction of small tenants. A contemporary correspondent estimated that in Perthshire and Argyllshire alone several hundred families were dispossessed through the conversion of their farms into sheep ranges.³ Here, then, was a body of Scotch willing to colonize—men and families without employment and without hope of a livelihood because of the transition from unprofitable agriculture to pasturage. To them the propaganda of the former wadsetters and tackmen made a deep appeal. And their migration was regarded with favor by the new class of renters because a decline in the number of laborers and small cultivators, it was believed, would result in a lowering of rents. On the other hand, the lordly proprietors believed that emigration would be followed by an increase in rents, because the emigrants would be replaced by renters from the South who were accustomed to paying better rates than had prevailed in the Highlands.

A third cause contributing to unrest and emigration was a crisis in the linen trade, which about 1770 met with severe competition from Ireland. A result was unemployment in the towns. "The wonted wealthy and opulent town of Paisley," we read, "can not now support those ingenious mechanics who have raised it to its present greatness, but they are forced to abandon their friends and

² "Veritas," in the *Edinburgh Advertiser*, quoted in the *Scots Magazine* May, 1772, p. 697; Johnson, *A Journey to the Western Islands of Scotland*, II, 49-51.

³ *Scots Magazine*, October, 1775, p. 536.

country and seek that subsistence in a distant clime, which they cannot in their own.”⁴

The social conditions resulting from these economic influences were deplorable. The land was full of people without employment. Crime, especially petty theft, was prevalent. A vivid picture of conditions is given in 1774 by James Hogg, a native of East Lothian, who rented a farm in Caithness. His relations with his landlord were satisfactory, but he lost so much property and so much of his crops through theft that he emigrated to North Carolina, bringing 280 people with him. In reply, probably to an inquiry by British officials concerning the cause and scope of emigration from Scotland, he writes as follows:⁵

“S I R,

“In answer to the questions you have sent me, in consequence of orders from the board of customs, be pleased to know, That I am forty-four years of age, have a wife, and five children, all under eight years; I am a native of East Lothian, but for some years past have lived at Bolum, in the parish of Reay and county of Caithness, on a farm belonging to Mr. Innes of Sandside.

“Others, with too much justice, complain of arbitrary and oppressive services, of racked rents, and cruel taskmasters; but Mr. Innes, my landlord, did every thing in his power to render my possession convenient and profitable; and in order to engage me to stay, offered me any terms I pleased: and certainly, had my situation in other respects been agreeable, I should not have been easily prevailed upon, with so young a family, and at my time of life, to leave my native country, and expose myself and family to the fatigue and dangers of a long voyage, in order to settle in an unhealthy climate in the woods of North Carolina: but by the barbarity of the country where I lived, I was in a manner forcibly expelled.

“The people in my neighborhood were extremely addicted to theft and pilfering, the constant attendants of slavery and poverty. I was fond of improvements in agriculture: I sowed field-turnips, but they were stolen before they came to perfection: I sowed pease, and was happy if they left me the straw: my potatoes and carrots suffered in like manner: and, in short, I found it impossible to save any

⁴ “Philopatris,” in *Scots Magazine*, January, 1774, p. 64.

⁵ *Scots Magazine*, July 1774, pp. 345-346; Letter to Mr. Balfour of Trinabay.

thing from their rapacity. I made many attempts, according to my circumstances, to check such misdemeanors: I dismissed from my farm several sub-tenants and servants for trespasses of this kind; but, according to the fashion of that country, in spite of all remonstrances, and without scruple, they were received by others. I then resolved to prosecute criminally the first offender; and it was not long before I had an opportunity: A man of eminence in that way stole a sheep from me, and his examination discovered another renowned thief: I got them both presented, indicted, and tried; the one before Lord Kames, at Inverness, I think in 1766; he was sentenced to be whipped, and then banished the four northern counties [xxviii, 500].⁶ As soon as he was set at liberty he returned to my neighborhood; where though he and his connections threatened my life, yet he was protected and sheltered by a gentleman of his name, not from any dislike to me, but in compliance with a popular maxim of that place, that a gentleman ought to protect from punishment all of his name, as well as his tenants and connections, whatever be their crimes. The other culprit, at the succeeding circuit, was sentenced by the Lords Justice-Clerks and Pitfour, to be whipped and banished to the plantations [xxix. 325.]⁷; but, getting out of the prison at Inverness, he returned to Caithness, where he lives without molestation to this day; as does the other at Strathnaver.

"Thus, after attending two different circuits, at Inverness, and after much trouble and expense, and loss of business, and not being in circumstances to continue a struggle against my licentious neighbours, supported by gentlemen of wealth and influence, I was obliged to sit down quietly with my loss, though highly dissatisfied with my situation, and now more exposed than ever to the resentment of thieves and ruffians.

"To complete my disgust, in the end of 1771 a ship belonging to Liverpool, loaded with iron, deals, and flax, was driven ashore in

⁶ The citation reads as follows: "At Inverness, Lord Kames sole judge. William Morganach, a tenant on the estate of Sandside, was tried, for theft, and for receipting stolen goods; and having been found guilty, was sentenced to be twice whipped, and to be banished the four counties of Caithness, Sutherland, Ross, and Cromarty for life."

⁷ The reference is to this notation: "At Inverness. . . Duncan Macdonald in Coninchin of Glenmoriston, found guilty of stealing a horse, but the *mala fama* found not proven, and John Bain, alias Miller, in Shiorrivrre, in Caithness, found guilty of stealing a *wedder*, and the *mala fama* found likewise proven, the libel of both having been, of consent of the advocate-depute, restricted to an arbitrary punishment, were both sentenced to be whipped, at Inverness, Macdonald on the 12th and Bain on the 19th of June, each to receive fifty lashes, and to be banished to the plantations for fourteen years, their service for the first seven years adjudged to the person or persons who shall transport them."

sight to my house. I thought it my duty to give an active assistance to save the wreck and cargo from plunder; in resentment of which, some of the plunderers combined to destroy me and my family; and to execute their plot, in February 1772, seven desperate ruffians, armed with pistols and dirks, attacked my house in the night-time, and set it on fire in two different places; and, had not some of the family providentially awaked, all must have perished in the flames.—With much difficulty and expence I brought to light the perpetrators of this horrid deed: but, according to the use and wont of that country, a party soon formed to protect them, and the sheriff-substitute, Macleod, the very person who ought to have assisted me, the sheriff-depute being then at Edinburgh, was not ashamed of being their counsellor and agent. However, in spite of many powerful and vigorous efforts, and many uncommon manoeuvres by him and his party to defend them from justice, some of them were brought to trial and condign punishment, and the sheriff-substitute was publicly and severely reprimanded.

“About that time my brother, a merchant in Wilmington, North Carolina, coming to visit me, and making me advantageous offers to go and settle with him, I was easily determined to leave a country, where, for want of police, and due administration of the laws, I had found it impossible to defend my goods from being stolen; where, for an act of justice and humanity, my life was daily exposed to the resentment of murderous ruffians; and where the thief, the robber, the murderer, and wilful fire-raiser, never hitherto wanted a gentleman, or rather a party of gentlemen, to patronize them.—Those gentlemen in Caithness whose judgement and approbation is valuable, will readily acknowledge the truth of what I have set forth; and many of them do lament, that, for these very reasons, their country is spoke of with reproach and detestation, and they have confessed that I had but too much provocation to leave them.—A list of the murders, robberies, and thefts, committed with impunity there, during my residence in Caithness, would surprise a Mohawk or a Cherokee.—Without this detail I could not explain my reasons for emigrating; but such as they are, I have declared them to you with that sincerity and freedom that I think become an honest man, though, I suppose, the length of this letter will prevent them from ever being read.

"With regard to taking so many people with me, I beg leave to observe, that I neither solicited, took advantage of, nor inveigled any person; and that I rejected hundreds who warmly intreated me to find them a passage. I took none excepting my servants, but such as paid their own freight, and had their honesty and character attested by their ministers.—When we were shipped at Thurso our numbers were as follows:

My family, including servants,	16
Other passengers above eight years,	174
Children under eight	60
Besides sucking children,	30

Total 280

"The loss of so many people, and the numbers they may in time draw after them, will probably be missed by the landholders; but let them learn to treat their fellow-creatures with more humanity. Instead of looking on myself as an enemy to my country, in being accessory to the carrying off so many people, I rejoice in being an instrument, in the hand of Providence, to punish oppression, which is by far too general; and I am glad to understand, that already some of these haughty landlords now find it necessary to court and caress these same poor people, whom they lately despised, and treated as slaves or beasts of burden.

I am, &c.

JAMES HOG."

Gardehouse in Zetland, Mar. 29. 1774.

The proportion of the second emigration from the Highlands can only be approximated. The number going to America from 1763 to 1775 is generally estimated at 20,000; in addition many went to the Lowlands and elsewhere. Conservative observers were alarmed at the possible results of this emigration. Too much money was being withdrawn from Scotland and the steady removal of skilled mechanics, it was feared, would in time give America an advantage over the mother country in manufactures.⁸ It was feared also that the Scots, with grievances in mind concerning conditions in Scotland, would strengthen the radical element in America. In fact, the British government became alarmed and in September 1775 instruc-

⁸ *Scots Magazine*, September, 1772, p. 515, and December, 1774, p. 651.

tions were sent by the commissioners of the customs to the customs officials to give no clearance papers to vessels carrying emigrants bound for the American colonies.⁹

North Carolina was the favorite objective in the later as well as the earlier Highland migration. To this there are frequent references in the *Scots Magazine*. Thus we are informed that fifty families left the Highlands for North Carolina in 1768, that 100 more left in 1769, that six vessels with 1,200 emigrants sailed in 1770, and that in 1771, 1772, 1774 and 1775, 1,050 persons undertook the voyage to North Carolina.¹⁰ While the migration was at its maximum an unknown author, using the pseudonym "Scotus Americanus," published in pamphlet form *Informations concerning the Province of North Carolina, addressed to emigrants from the Highlands and Western Isles of Scotland*, (1773), which sets forth very briefly the grievances of the Highlanders and at considerable length the attraction of North Carolina to colonizers. A copy of this pamphlet is in the possession of the New York Historical Society and by courtesy of that institution it is herewith reprinted.

⁹ *Scots Magazine*, September, 1775, p. 523.

¹⁰ *Ibid.*, *passim*.

INFORMATION
CONCERNING THE
PROVINCE
OF
NORTH CAROLINA,
ADDRESSED TO
EMIGRANTS
FROM THE
HIGHLANDS and WESTERN ISLES
OF
SCOTLAND.
BY AN IMPARTIAL HAND.

NOS PATRIAM FUGIMUS.

GLASGOW:

Printed for JAMES KNOX, Bookseller, Glasgow,
And CHARLES ELLIOT, Bookseller Parliament Close, Edinburgh.

MDCCLXXIII.

INFORMATION S

CONCERNING THE

P R O V I N C E

OF

NORTH CAROLINA.

Migrations to America from many parts of Britain, particularly to the province of North Carolina, from the Highlands and isles of Scotland, have, of late, become very frequent and numerous, and are likely to continue so. Whatever this may be owing to, the matter is serious, and, to some, the consequences are very alarming. The natives of the Highlands and isles have always been remarkable for the strongest attachment to the place of their nativity, and for the highest respect towards their masters and superiors. In these, they were wont to find kind patrons and protectors, and cherishing, indulgent fathers to themselves and families. This endeared to them a soil and climate to which nature has not been very liberal of its favours, in somuch, that they have ever shewn the utmost aversion at leaving their country, or removing to happier regions, and more indulgent climates. That this is true of the Highlanders in general, will be acknowledged by those who are in the least acquainted with them. The cause, then, that could induce a people of this cast, to forsake their native lands, in such numbers, and make them seek for habitations in countries far distant and unknown, must, doubtless, be very cogent and powerful. And, here, let the present land-holders and proprietors consider, whether, of late, they are not greatly to blame? whether they have not begun to shake [4] the iron rod of oppression too much over them? Let proprietors of the largest estates among them, such whose fortunes enables them to figure it away in life, ask themselves, if they have not used every means to estrange the affections of the Highlanders from them? whether they have not contributed all in their power, and, in a manner, exerted themselves to make their home intolerable and disagreeable to them, and

lessen their once strong attachment towards their beloved, though poor country, so as to make them forget their native prejudices, surmount every apparent difficulty, and become emigrants and adventurers to other climes and regions far remote.

The luxury, dissipation, and extravagance of the times, may chiefly account for this change of conduct in the land-holders towards their tenants. Formerly the proprietors resided mostly among them upon their estates, conversed freely, and were familiar with them, were tender of them, cherished, and patronized them; to them the tenants were devoted; to them they had recourse upon every emergency: they were happy, they grew up and prospered under them. The modern lairds, unlike their fore-fathers, live at a great distance from their estates. Whatever misfortunes may befall the tenants, whatever grievances they have to complain of, whatever oppression they may groan under, they have no access to their masters; they scarce know where he lives, or where to find him; or, if they should, it is a long and expensive journey to go where he is; and complaints at a distance are seldom listened to, or properly redressed. Careless and unconcerned the master lives in the circle, as it is called, of the gay and the great. There, is a round of merriment and whim, in a vortex of airy amusements, of giddy and unsubstantial pleasures, and at the height of an [5] expensive, though false and unnatural taste, he squanders away his fortune, and wastes his time and his health at once.

Seldom does he visit his estate, or if he deigns to do it, it is only with an intention to squeeze and oppress the tenants still more, and then betake himself in haste to the same scenes of dissipation and luxury, where, what he has extorted from the over-awed and deluded tenants, soon runs short, and is exhausted. In these visits to their estates, they are commonly attended with minions and sycophants, ever ready to soothe and flatter them, and excite their predominant passions, to the great hurt of the tenants, whom they are taught to look upon, only as instruments whereby to gratify their avarice and extravagance. And when the poor expect relief and protection from their masters, as formerly, they find every avenue and all access to them shut up, or, if admitted into their presence, they find such an awful distance and state kept, that they are spurned away with looks expressive of the utmost contempt, or dismissed with a volley of oaths and curses, in a language strange and unknown to the most of them.

These gentlemen too, accustomed to live in large and wealthy cities, or in the most fertile and best cultivated provinces of Britain, are greatly shocked, in their visits, at the rude aspect, and sterile face of the Highlands, and at the small progress that agriculture makes in these remote parts. The natives are exclaimed against, as an intractable, idle, and useless set of beings. Without means, without encouragement, at a distance from market, against climate, and soil too, in many places, it is expected of them, that they should cultivate and enclose wide extended heaths, rugged mountain, and large barren morasses. [6] But, may it not be asked, if the proprietors themselves have shewn any extraordinary specimen or examples of this sort among them? have they done any thing effectual towards bringing on, or establishing fisheries, trade, or manufactories on their estates? Such of them as do improve and enclose their ground, is it not at an immense expence, far beyond the reach of most tenants in the Highlands? Are not these things carried on from father to son, through a long tract of time? And, in general, may it not be asked, whether much advantage has, as yet, been made of them? and whether they are not still at a very low pass over all the Highlands? But, at any rate, can it be expected, that tenants, upon short leases, can do any thing remarkable in this way, especially at this period, when, instead of that tender indulgence and encouragement requisite to bring forward agriculture in a country still lying in a state of nature, nothing is heard of but new impositions, new grassums, and a rise of rent equal to, if not beyond, what the gross produce of the ground can amount to? But if, in the opinion of these gentlemen, the native Highlanders are deemed so useless and lazy a people at home, why is any bar attempted to be thrown in the way of their emigrating from their native country? why rather not contribute to send them off, in order to make room for another "set of tenants more able and industrious, that will soon make the country put on a different aspect, that, by dint of labour or magic, shall make their barren wastes, and heath grown mountains, rival, in verdure and produce, the fertile plains of Lothian, or the Carse of Falkirk;" tenants that can bear any load laid upon them by their tender-hearted landlords, with cheerfulness, and without murmuring? What a happiness for these needy and arbitrary [7] lairds to rule over a parcel of such tame and passive subjects?

But, in the name of wonder! why are such low arts used to hinder the Highlanders from quitting their country? why so much ridicule thrown on America? why so many false representations, and discouraging accounts given of it, in the public papers? and, when these seem to be disregarded, and of no effect, why is recourse had to the daring effrontery of some puny scribbler, to threaten the interference of administration against depopulating the Highlands, and that a parliamentary inquiry was to be made, to prevent any more emigrations, as if the Highlanders were totally ignorant of the world, and of the laws of their country? The Highlanders are not to be intimidated by bugbears; nor are they so little versant in the history and constitution of their country, as not to know that they are free born, and that they have a right to emigrate into any part of the British dominions that they chuse. Such mean hints, and despotic notions, might well enough suit the meridan of Moscow, or of Paris, during the reigns of Peter the Great, or Lewis XIV. How fatal to France was the oppression and persecution of the Huguenots? what a reproach to the memory of Lewis? and how vain were his severe edicts, and all his endeavours, to prevent their emigrating from that country? are facts too well known and ascertained. What ignorance, then, of the laws and constitution of Britain, do writers of this stamp betray? how unworthy are they of the protection and blessing of these laws? what friends are they to domestic tyranny and private oppression, when they thus talk of getting them sanctified, and our chains fastened and rivetted by the authority of a British legislature. It is indeed astonishing, how far ignorance, partiality, and [8] prejudice, will often carry people. But, surely, it must be a new thing in these enlightened times, for one to publish such glaring absurdities, such grovelling sentiments, concerning the right of British subjects to change their place of settlement under the same happy government. None but a rapacious, despotic land-holder, or his greedy, disappointed factor, or agent, could be capable of it. Theirs, then, be all the praise of this generous and well-timed suggestion! theirs also be the glory of falling upon those lucky expedients, by which the Highlanders are forced from their dwellings, and reduced to the hard necessity of making use of emigrating from their country, which, by all laws, human and divine, they know they are, and ought to be possessed of!

A moderate rise of rents, is what every proprietor has a right to expect, at certain periods of time, in a country advancing in agriculture, trade, and manufactures. How far back the Highlands in general are, in these respects, is too obvious to the view of every visiting traveller: yet no set of people would be more disposed, or ready to give additional rents, and grassums, than the Highlanders, according to their circumstances; for they commonly think it a hardship to change their master, and look upon it as worse than banishment to be obliged to quit the spot where they and their fore-fathers have lived. Some of their land-holders, not ignorant of the prejudices and strong attachments of this sort that prevail among them, and prompted by their own avarice or extravagance, both equally insatiable, have laid down schemes for raising their lands to three or four rents, with grassums. Some of the poor tenants were over-awed, and some others deluded, to take their lands at this immense rise, and, having scarce stood it two years, have become bankrupts [9] and beggars. Thus, though they and their fore-fathers might have formerly lived easy, and made some small provision for their families, they are now, by one sweep of grassum and additional rent, reduced, at once, to the lowest state of indigence.

It is a well known and received maxim, in farming, that the gross produce of the land should be, at least, equal to three of the current rents, or by what means shall the farmer support himself? But, in these modern schemes, this maxim is quite laid aside, and another of a very different and strange complexion is attempted to be substituted in its place, viz. "That the more rent is laid upon any farm, the better shall the tenant be able to improve the land, to pay his rent, and to live well, than when he paid a small rent." In conformity to this refined maxim, some of these gentlemen set part of their lands, and soon found their expectations disappointed. With true tyrannic perseverance, they have tried one set of tenants after another, by the same rule, and have seen them all beggared in their circumstances. When they perceived some tenants of more spirit than the rest, discover an impatience of the oppressions they bore, throw up their tacks, convert the remainder of their subject into cash and attempted to try their fortunes in another country, and open a door for themselves and friends in a land of liberty and plenty, by a few going this year, 1770, and numbers following the next; then it was, that these gentlemen, with their wonted candour, began

to entertain the public with exclaiming against all emigrations in general, with running down a country and its climate, both of which they are equally unacquainted with, by giving false accounts of it, depreciating its produce, its customs, and its trade, though utter strangers [10] to them all. How eagerly do they catch at any discouraging tale, picked up from some sailor or skipper that has but touched on the coast of North Carolina, though at a great distance from our Highland settlers in that province, and having never had any intercourse with them, who wanted both understanding and opportunity to judge properly of their advantages and mode of living? how ready are they to publish these vague and indistinct accounts as ample and satisfactory? But all ship-masters are not of the same cast; some there are who have penetrated among the Highland settlers there, who formerly knew their situation in their own country, and can do justice to that state of ease and happiness in which they now live. Nay, I am well aware, that some few among the Highland gentlemen are no strangers to the truth of what is reported concerning North Carolina; and that, if they would speak out, they know it to be a country no way inferior to what it is represented. Some of them were officers in America, and our common men served as soldiers there during the last war, and both acquired immortal honour. It would seem as if they had made such important conquests in that quarter of the globe, in order to secure to themselves, and their countrymen, an agreeable and happy retreat, and, a large and fertile field for them and their posterity to flourish in. To such as are unprejudiced among them, we might appeal for the truth of the most flattering accounts of North America in general; but, *pudet hoc opprobrium*, they disguise or conceal what they know of it; self-interest biasses them, and makes them suppress the truth, till it is now too late to do so; it is in vain to carry on the farce, for the truth will remain no longer concealed.

And now, is there any wonder, if, under their present [11] discouraging circumstances, and considering the dark and gloomy prospects they have before them at home, that the Highlanders should seek for refuge in some happier land, on some more hospitable shore, where freedom reigns, and where, unmolested by Egyptian task-masters, they may reap the produce of their own labour and industry. For this purpose, where can they better betake themselves than to the large continent of America, to that part of it especially, to

which some of their countrymen went sometime ago, where their posterity still live well and independently, and to which, of late, numbers have gone, who shew no inclination to return; but, on the contrary, send the most favourable accounts to their friends and acquaintance in the Highlands, and the most pressing invitations for them to follow after them across the Atlantic. Here they still belong to the British empire, and are happy under the benign influence of its administration. Here, at ease, they may enjoy all those civil blessings which the noblest constitution under heaven was intended to communicate to all ranks belonging to it, and to make these blessings permanent and sure.

In the following pages, I mean to give my countrymen a short sketch of the province of North Carolina, with regard to its climate, soil, produce, and manner of settling there, founded upon unquestionable evidence, as well as personal observation, by which it will appear how little credit is due to the ridiculous and discouraging accounts given in the public papers, at the desire of some of the landholders, by which also will be shewn, that of all our colonies it is the most proper for Highlanders of any degree to remove to, if they want to live in a state of health, ease, and independence. No circumstance shall be exaggerated, as it is not intended to deceive or mislead any person; the simple truth shall be told, and [12] let facts be judged of as they really are. And as no man would chuse to be deceived himself, nor would any honest man impose upon others, conscious no charge of this kind can justly be laid against me, when I fairly lay before the world, and my countrymen, the present situation of that province, in the above respects, by which I candidly own, that I myself am swayed, and led to risque my all, and fix my residence there for life. Whether others shall follow my example or whether matters shall strike them in the same light, is what I know not, nor am I much solicitous about; but, in justice to a country so falsely arraigned, so undeservedly depreciated and ridiculed, I venture this brief account under the eye of the public, and as it may be supported by the concurring testimony of many gentlemen of repute and credit who have been among our settlers in North Carolina, who were at pains to be thoroughly acquainted with their method of settling, mode of living, and every thing relating to them. To shew that they have made a happy exchange, and no people can be in more easy circumstances, or better satisfied with

their present condition, I might appeal to numberless letters from those very settlers, to their friends and acquaintance in the Highlands, which may be easily seen, and might, if necessary, be produced. In these letters, we find parents inviting over children that were left behind, children their parents, husbands their wives and families, and brothers their sisters, all describing their state there, as far preferable to what they ever knew before in every respect; and earnestly wishing their relations and connections of every tender tie would go and partake of the same happiness, and no longer remain under home oppression. Surely, if these people, artless and undesigning as they are, could mean to deceive, it must be reckoned a very uncommon and most unnatural [13] deception; nor will it be easy to explain how they should all conspire in the same tale, and, without varying, stumble upon the same favourable accounts.

That these accounts are genuine and true, we hope, will appear from the following general description of the province in question, in which all that is intended, is to lay before my countrymen things most essential for them to know, without launching into the favourite topics of mere travellers, or attending to an exact form and method, like writers on geography.

North Carolina lies between 31 and 36 degrees, and 31 miles N. Lat. 76 and 19 W. Long. from London on the east, it is bounded by the Atlantic ocean, and has about 400 miles of sea coast; on the north it boards with Virginia, and on the south with South Carolina; but its boundaries to the west are unknown and unlimited. It surrounds a part of South Carolina, extending itself, on that side to places as yet unvisited, which are inhabited by Indian tribes. The climate is agreeable and wholesome in general; and, compared with the rest of the northern hemisphere, may be looked upon as the most temperate part of the earth on the north side of the equator. It agrees, in general, with that of Virginia; but where they differ, it is much to the advantage of Carolina. The summers are warmer than in Virginia; but the winters are milder and shorter; nor are there such sudden transitions from heat to cold, nor such violent extremes as in Virginia. The winters are seldom severe enough to freeze any considerable body of water, and affect only the mornings and evenings, when the air is felt as sharp as in the Highlands; but the frosts have seldom strength to resist the noon-day sun; so that many tender plants, that do not stand the winter of Virginia,

flourish here. The sky in winter is commonly clear and serene, and no [14] deep snow is to be seen. The climate in summer is said, by people of observation, to resemble that of Italy and Lisbon, and indeed they lye in pretty near the same latitude. Many are made to believe, that in Carolina, as in Jamaica and the Leeward Islands, the whole year is one continual summer; but this is a mistake; they have the four revolving seasons as in Britain; the transitions to each are gentle and imperceptible. In the months of March, April, and May, their spring, all things are alive; the birds make the woodlands ring with mirth; and the kingdom of vegetables, under the Divine care, springing forth in rich profusion, adorning gardens and meadows with gay and glowing colours; the trees produce their buds and foliage, promising rich fruits in their appointed seasons; and no place can exhibite a richer carpet, and more beautiful verdure. The jessamin, the laurel, the bay, the sassafras, the pines, the honeysuckle, the dogwood, and most kinds of shrubs, enrich the air with their fragrant odours, and the woods are covered with the greatest variety of flowers and blossoms. The mariners, going upon the coast in spring, have smelt the pines when several leagues at sea. About this time the farmer sees his work begin to prosper, and his industry rewarded.

The summer, which is in the months of June, July, and August, may indeed be called hot; the mercury, in an approved thermometer, keeping up from 70 to 80 degrees at noon. Near the coast, and in the sandy parts, the heat would be intolerable, were it not for the breezes, which come from the sea; but, by not exposing the body to the warm sun-beams at noon, a man may always keep himself cool and comfortable in the hottest day; the houses are built airy, so that they always have a cool room to go into. Up the country, and on river sides, the warmth is less intense, the soil being deep and moist, and covered [15] with verdure; nor does the heat hinder people to travel easily and comfortably the whole day in summer, as they go over a level country under the shade of lofty trees in the woods, which are widely separated, and clear of under-wood. The longest day in Carolina, the sun rises at four, and sets after eight.

September, October, and November, are the autumn months; the first of which, together with part of August, are their rainy and windy months; but, in the month of October, there cannot be a more

temperate air, and finer climate, than here, the weather being mild and dry for the space of forty or fifty days.

In the low and marshy parts of the country, the inhabitants, particularly new-comers, are apt to fall into those diseases incident to a moist climate, especially in July and August, when the weather is hottest, and the air becomes stagnant; and, in September, when the weather changes, and the rains fall heavy; then, I say, they are subject to agues, fluxes, and intermitting fevers; but these do not prove mortal; and, in general, it is allowed, that the inhabitants are not affected by any particular distemper, except such as proceed from intemperance, and a neglect of themselves upon their first arrival. The dropsy is very rare; as for consumptions, they are not very destructive; perhaps it may carry off a person in nine or ten years; and that dreadful complaint an asthma, is not known, unless brought from other places; in which case, the climate affords great relief to the afflicted. The three remaining months are the winter season: the air is serene, the weather dry and wholesome, and intensely cold but for a short time; the mercury in the thermometer being all the winter between 30 and 50 degrees, and, when carried into the open air, has never been known to sink lower than 20 degrees. The shortest [16] day, the sun rises half an hour before six, and sets at five. At this season, the country is very agreeable to sportsmen, having plenty of all sorts of game in the greatest perfection; such as deer, which are as numerous as sheep in Scotland; wild turkeys, in flocks, throng as rooks or crows, and weighing about thirty pounds, which shews they are of a large size; geese and ducks, of which last great quantities are taken; eight or ten, when fitting, is but a middling shot. There are also great quantities of partridges, doves, larks, woodcocks, snipes, plovers, and blackbirds, besides a great number of sea fowl; and in the back woodlands, where the chestnut grows, they have the pheasant and the peacock.

This colony is but in a manner in its infancy, and newly settled in respect to its neighbouring ones. There is a great coincidence between the soil, produce, and face of the country with those of Virginia; but, in the fertility of nature, Carolina has the advantage. In a word, the northern parts of it produce the same things with the southern parts of Virginia, and in greater perfection. The southern parts of it produce the same things with which the northern parts of South Carolina abounds; and, as in the back parts it skirts

or runs along a great part of South Carolina, the produce is much the same as in that country and is conveyed by rivers or land carriage to Charlestoun, and other ports of that province for sale. Its commodities and general produce are very valuable, consisting of rice, indico, hemp, tobacco, fir, deer skins, turpentine, pitch, tar, raw hides, tanned leather, flower, flax-seed, cotton, corn, pease, pottatoes, honey, bees-wax, Indian corn, barrelled beef and pork, talow, butter, rosin, square timber of different sorts, deals, staves, and all kind of lumber. This short description will not admit of entering into the manner in which the above commodities [17] are cultivated; but the late settlers there from the Highlands are assiduous in their employments; and this, joined with the hospitality, friendship and harmony, that subsists among them in general, from whatever country, cannot fail, in a short time, of making the province flourish, and of rewarding their labour with independence and wealth, the offspring of ingenuity and industry.

The province is divided into several counties, and intersected by many large navigable rivers; the chief rivers are, Albemarle, Pentaguen, Neuse, Cape Fear or Clarendon, Watere, Santee, Pedee, &c. The only sea bordering on this coast is the Atlantic ocean, which is reckoned shallow for ships of burden to come nigh the coast, except in few places. The coast is low land, and the shallows come on gradually, so that, by sounding, it is easily known when vessels are near enough, so as to make for their destined harbours, which are now found to be equally convenient with the most noted in other provinces, and they are also seated at proper distances along the coast: it is true, that hitherto they have been looked upon as incommodious, but, from the increase and goodness of the commodities raised in the colony, ships begin to find their way with ease, and many ports are frequented with ships from a great part of the trading world. The harbours of Roanack and Pimlico are famous and well known: many others are good and safe. The most remarkable promontories are Cape Hatteras, in 35 degrees N. Lat. and Cape Fear to the south of it. At the mouth of the river here, vessels of large burden have ready access; and this is the principal and most central river in the province for trade. From the entrance of Fort-Johnston to Brunswick, the former seat of the governors, it is 12 miles up the river, from thence to Wilmington about 15 miles. Wilmington is well situated for trade, as it lies at the confluence of

[18] two large branches of Cape Fear river, by which means all commodities from the southern and middle parts of the province centre there; consequently it is, of late, become a place of elegance and wealth: there are many eminent merchants there, and much shipping from the neighbouring colonies, from the West Indies and Britain; so that, for commerce, and a well furnished market of all necessaries, it is at present reckoned the most flourishing, and is still greatly increasing. Here the river is as broad as the Thames at London. The north-west branch of this river, along which I travelled, is navigable about 40 miles above Wilmington for large vessels; but long boats, lighters, and large canoes, carry goods for above 100 miles farther up. On this north-west branch of the same river, lies Cross Creek, or New Campbeltoun, about 100 miles distant from Wilmington in the course of the river. This town is situated in Cumberland county, and the inhabitants mostly Highlanders, emigrants from Argyleshire, and the western isles, are settled in said county. The land, in general, along the sea coast, is light and sandy, and promises little in appearance to a stranger; it is, however, of a generous nature, and helped by a kindly sun, yields corn and tobacco extremely well, and, when flooded, yield rice plentifully. But, along the sides of rivers and creeks, there is a fine black mold, and rich soil, for about a mile and a half back from either bank of the river, which, without manure, returns plentifully whatever is committed to it. This good soil spreads still wider, and improves continually, as you advance into the country, and then it is uniformly good and fertile for immense tracts of land. The whole country is in a manner one forest, where our planters have not cleared it. And at a 100 miles from the sea, where it begins to grow hilly, and mixed with rising grounds, [19] the soil is of an amazing fertility, fitted for every purpose of human life. Nor can any thing be imagined more pleasant to the eye; than the variegated appearance of this back country. The air is here pure and wholesome, and the heat in summer much more temperate than on the flat sandy coast. It is diversified in the most agreeable manner, with arable lands, meadows, and woods; here and there appear rising hills; and its forests abound with excellent timber, such as oak of several sorts, cyprus, hickory, the pine, the walnut, the ash, the poplar, the beech, the elm, the sycamore, the laurel, the bay, the gum, and the mulberry, with many others not mentioned. This

furnishes the inhabitants with plenty of fire-wood, and the best of timber for ship-building and other uses. The woods in general wear a refreshing vesture through the year: and the earth is rendered rich and delightful by the fine rivers and streams which glide through them. Where I travelled, the banks of the rivers from Wilmington to far above Cross Creek, were agreeably adorned with fine seats, villas, and pleasant farm-houses, at moderate distances, on either side, which afforded a most enchanting scene of the ease and happiness which the present settlers enjoy: and, in general, most of the present planters may be said to have a river at their door, and easy conveyance for their commodities to market.

The land in Carolina is easily cleared, as there is little or no under wood, and the woods mostly consist of tall trees, at a considerable distance; and, by the different species of these, the quality of the soil is easily known. The grounds which bear the oak, the walnut, and the hickory, are reckoned the best; they are of a dark sand intermixed with loam. The pine barren is worst, being almost all sand; yet it bears the pine tree, and some useful plants, naturally yielding good profit in pitch, tar, and turpentine. When this sort of land is cleared, which is done very easily, it produces [20] for two or three years together, very good crops of Indian corn and pease; and, when it lies low, and is flooded, it answers for rice. Their low rich swampy grounds bear rice, which is one of their staple commodities. It is, as before observed, that on the sides of the rivers, all the good timber, and large useful trees, are found in abundance; behind these stretches of good land, the country is covered with pines and firs, from which tar, turpentine, and rosin are made, and for which articles there is a fund inexhaustible for many years. In the forests, the trees are far separate, as I observed, and free of shrubs and under-wood; they are lofty, and very straight, so that a person may ride through them, in any direction, without danger or inconveniency. I have seen the inhabitants hunting foxes, bears, and deer, through the woods, galloping very hard. Nothing surprises an European more, at first sight, than the size of the trees here, and in other American colonies. Their trunks are often from 50 to 70 feet high, without a limb or branch, and frequently above 30 feet in circumference, of which the natives and Indians make canoes, some of them so large, that they will carry 30 or 40 barrels of pitch, though formed of one entire piece of timber. Curious

pleasure-boats are likewise made of these. Vegetation is amazingly quick in this province; the soil, in general, will produce most things; the climate has something so kindly, that the soil, when left to itself, throws out an immense quantity of flowers and flowering shrubs. All kinds of European grain grow there, such as barley, wheat, oats and rye, clover and lucern grass. Plants from Europe arrive at perfection here, beyond what they do in their native country. Wine and silks with proper culture, might be had here. For variety of roots and herbs, I believe, it rivals any country. The sassafras, sarsaparilla, the China root, the Indian pink, the golden rod, the horoun, and the snake root of various sorts, are [21] natives here, and found scattered through the woods, together with other medicinal and aromatic herbs. There is a kind of tree, from which runs an oil of an extraordinary virtue for curing of wounds, and another that yields a balm thought to be little inferior to that of Mecca. Besides these, there are other trees that yield gums, liquorice, rhubarb; and other physical roots are found to thrive extremely well. The power of vegetation has been found so great, that a peach tree will bear in three years after putting of the stone into the ground. The fig-tree will bear two crops in the year, of large and luscious fruit. Melons, the Canada peach, and the white common peach, grow well and large, as do grapes, and all kinds of fruit, (except currants, goose-berries, and the red cherry) from the small cherry to the large melon, nothing can be more luscious. The fruit here has such a delicious flavour, that they who once taste of it, will despise the watery taste of that in Britain, where fruit-trees are not natural to the soil. Prodigious quantities of honey are found here, of which they make excellent spirits, and mead as good as Malaga sack. It is incredible to think what plenty of fish is taken both in their salt and fresh water rivers, which fisher-men sell for a trifle. The fish most admired are the whiting, the angel fish, the king fish, the fat-back, the forgey, the fresh water trout, and the rock fish. Neither herring, turbot, or salmon, can exceed these in richness and delicious taste. Oysters too of a fine flavor are got in the rivers, and on the coast. With all these kinds of fish the market at Wilmington abounds. Here, one may buy all kinds of meats, from the squirrel and opossum to the bullock, and all very good, nothing in England coming up to their pork. Beef and pork is sold from 1d. to 2d. a pound, their fattest pullets at 6d. a piece,

chickens at 3 s. a dozen, geese at 10 d. turkeys at 18 d. a piece. But fish and wild fowl are still cheaper in [22] their seasons; and deer are sold from 5 to 10s. a piece. Merchants in the town, and considerable planters in the country, are now beginning to have a taste for living, and some gay equipages may be seen; they are generous, well bred, and dress much; are polite, humane, and hospitable; and never tired of rendering strangers all the service in their power: nor is this mere pageantry and shew; their behaviour at home is consistent with their appearance abroad. Their houses are elegant, their tables always plentifully covered and their entertainment sumptuous. They are fond of company, living very sociable and neighbourly, visiting one another often. Poverty is almost an entire stranger among them, as the settlers are the most hospitable and charitable people that can be met with to all strangers, and especially to such as by accident or misfortunes are rendered incapable to provide for themselves.

The method of settling in Carolina, is to find out a space of King's land, or unpatented land, and to get an order from the governor, which order is given to a surveyor; when the survey is finished, he draws a plan of that space of land, which plan is returned into the office for recording patents, &c. then he gets his patent or right signed by the governor, which is good for ever after; the expence of all this is commonly about ten guineas, and sometimes not so much: supposing the run of land taken up be 640 acres, only there is 2s. and 6d. quit rents paid yearly for the hundred acres.

Besides the Highlanders that are settled in Cumberland county, some late emigrants have betaken themselves to Anson county, which abounds in good ground. In these counties, former settlers dispose of plantations, with some open ground upon them, to new-comers, and retire farther back into the country. Plantations of about 3 quarters of a mile square, have been sold for between 40 and 50 l. [23] which produce indico, tobacco, cotton, rice, wheat, Indian corn, barley, rye, and oats without ever being dunged; for, as all the land abounds with nitre, it is a long time before it is exhausted, and they use no manure. I have been informed, that if a settler can keep three servants or negroes clearing his grounds for two years, he may sell 700 bushels of wheat, and 5000 weight of tobacco for every year afterwards, besides many other articles. Two men and four horses will work a large plantation in their best land, after

cleared. They often plow with one horse. Wheat is sown in October and November, and some in March. They plant Indian corn and tobacco between April and May. Some lands give three crops in the year. They sow flax-seed the first of March, which they pull the first of May; then they plant the ground with corn, which is ripe the latter end of September, and then sow it with turnip for the winter, which grow very large. The worst growth of Indian corn in good land is 200 bushels for every bushel sown, the best betwixt 4 and 500 for one. The sowing of 2 or 3 bushels of this grain is as much as any planter can attend to; for, in summer, it must be plowed and howed 2 or 3 times, to keep down the weeds, especially in fat ground. Settlers of any substance, when they go over, commonly take up a piece of ground of 640 acres, or a mile square in the plains, or on river sides. At the back of these settlements it is all a common, that is unpatented, or King's lands, till you come nigh another river or creek. The commons are mostly hilly and unbroken ground, and not likely to be soon occupied or taken up; so that the cattle of the neighbouring plantations and farms feed and wander over large tracts without interfering with any body's property, and they are not restricted to any number. I may here observe, that there were neither horses, cows, sheep, or hogs, in America, till carried thither by the Europeans; and now they are multiplied so extremely, [24] that many of them are allowed to run wild in some provinces. Here the settlers have plenty of all European animals. To have 2 or 300 cows is very common; some have 1000 and upwards. I knew a few planters who had 500 calves in a season, and some have more. In the months of May, June, and July, they gather all their cattle into one place on the great common; they range all day at pleasure through the forest; but the calves are separated, and kept in fenced pastures. In these months they make their butter and cheese, and mark all their young cattle, (for each has a particular mark given him by the province, and this mark is recorded) and then they are turned loose into the common again till that time twelve months, except a few milk cows for their families. The cattle here are of a tame breed; and if any of them should stray 100 miles, they are advertised, and returned to the owner, being known by the mark; so that few of them are lost. Their size is larger than that of any cows in the Highlands; fat ones weigh well, and give a good price. It is computed, that from this province there are annually drove to

Virginia about 30000 head of black cattle, without mentioning hogs, besides large quantities sold to vessels in their own ports, together with great cargoes of beef, pork, live stock, and all sorts of grain, constantly sent to the Bahama isles and the West Indies. The whole expence of taking up such a run of land as I have mentioned, I mean 640 acres for a plantation to a new settler, will not exceed 10 guineas, between patent, surveyor, and the different offices; a genteel treat is all that is often taken. The most of their labour and toil, then, consists in opening and clearing their grounds, which, as I have observed, is not such a heavy or laborious work, as the trees are far asunder, and there are few shrubs, and no under-growth, and the nature of the soil is loose, and free of stones or any rocks. If one gets 70 [25] or 80 acres once opened upon his plantation, it is sufficient for the support and employment of any single family.

Young healthy negroes are bought there for between 25 and 40 l. Five of these will clear and labour a plantation the first year, so as you shall have every thing in abundance for your family, with little trouble to yourself, and be able to spare many articles for market; to which every year again, as the ground advances in being cleared, you may send great quantities of flower, flax-seed, indico, rice, butter, tallow, pease, potatoes, live stock, pork, beef, and tobacco. And I cannot help mentioning here, the happiness in which blacks live in this and most of the provinces of America, compared to the wretchedness of their condition in the sugar islands. Good usage is what alone can make the negroes well attached to their masters interest. The inhabitants of Carolina, sensible of this, treat these valuable servants in an indulgent manner, and something like rational beings. They have small houses or huts, like peasants, thatched, to which they have little gardens, and live in families separated from each other. Their work is performed by a daily task, allotted by their master or overseer, which they have generally done by one or two o'clock in the afternoon, and have the rest of the day for themselves, which they spend in working in their own private fields, consisting of 5 or 6 acres of ground, allowed them by their masters, for planting of rice, corn, potatoes, tobacco, &c. for their own use and profit, of which the industrious among them make a great deal. In some plantations, they have also the liberty to raise hogs and poultry, which, with the former articles, they are to dispose of to none but their masters (this is done to prevent bad consequences)

for which, in exchange, when they do not chuse money, their masters give Osnaburgs, negro cloths, caps, hats, handkerchiefs, pipes, and knives. They do not plant in their fields for subsistence, but for [26] amusement, pleasure, and profit, their masters giving them clothes, and sufficient provisions from their granaries. The immense increase of India corn furnishes plenty for hogs and horses. The breed of horses here is much the same with that of Virginia, hardy and spirited; they easily break to the saddle, and are bred to pacing; and, as the country is level, and free of stones, and the roads soft and good, they perform great journies in the day, and travel pleasantly. A horse that would give 12*l.* in Britain, may be bought at 8*l.* and so in proportion to their size and value. From 4 to 6*l.* is a common price for a working horse. Every planter has abundance of sheep of an excellent kind, which bear good wool; the new emigrants spin and dress it, and get it made into course cloths and kerseys for their common wear: this manufacture must rise in time. The new emigrants settling up the country are far more industrious than the old settlers or natives; they may live as well and happy as lairds at home. It is computed by people of judgment and observation, that if a person can carry 500*l.* cash with him into that country, he may live as easily as a proprietor of 500*l.* a-year in Scotland, as to the necessaries and conveniencies of life, and so in proportion to the stock he carries over, and his prudence and management in laying it out. It is not pretended, that they, all at once, can enjoy life in the same taste and elegance as they do in Scotland. Mean time they have abundance, nay affluence, and enjoy independence, which, we all know, is a great sweetener of life and every blessing, and makes up for many superfluous refinements in what is called polite society; and it is universally allowed that the civil arts of life soon take place, and flourish, where mankind become numerous, and are blessed, at once, with affluence, independence and ease; many of the old residents in the inland counties of this province finding themselves soon easy and independent, and [27] being far separated, and not linked together by country, or a close neighbourhood, have become idle, lazy, and much devoted to sport and hunting; and, perceiving that many new settlers are, of late, come among them, they foresee that the deer and other game must, consequently, become scarcer; and they have, in general, little inclination to mingle with the new-comers, who now arrive in such

crouds: they also know, that the farther they go back into the country, the land turns richer and better; on these accounts, they willingly quit and sell their present settlements along the rivers, and nearest the coast, to new-comers, some of them induced, merely, by the love of hunting, others from prudential considerations, because of the fertility and pleasantness of the country backwards, and the ease with which it may be wrought and cleared. One of these plantations, consisting of 640 acres, and 70 or 80 acres of it clear, with a good mansion-house, and all necessary office-houses upon it, may be purchased for 160 l. I have seen one of not much less extent bought for 60 l. and the very first year the purchaser made 11 hogsheds of brandy of the peaches and apples in his garden, and some cyder, besides what he disposed of in cattle, grain, and live stock. Here a poor man need not fear the want of meat or employment, most victuals being very cheap. From the granaries, on the farms, a man for 6d. Sterl. may buy what will maintain him 8 days, at 3 meals a-day; and, if he carries over with him, as much coarse cloth and linnen, as will serve him for a year or two, he needs not doubt of soon being well fixed, and at ease for the rest of his life. A friend of mine, a few years ago, carried over passengers to Cape Fear; among these there were many poor people unable to pay for their passage, who therefore went as redemptioners; that is, if in 40 days after landing, they could not find money among their friends or acquaintance, or by some shift of their own, to pay for their passage, [28] they were then bound to serve for 3 years after landing; there was none of them but relieved themselves before the time; many of them having no friend or acquaintance in the place, got people there to take them by the hand, and pay for their passage, and soon fixed them in such a manner, as that they had plenty to live on; the present situation of the colony will easily account for this; a number of the first settlers there, and of the late emigrants, who have made any considerable purchase, have large tracts of land lying waste and uncleared for want of hands; they have a good part of a plantation open, with some servants and negroes upon it, by which they raise great stores of provisions, and they have plenty of cattle; the owner of an estate, that has 80 or 90 acres open upon it, has a scope of many hundreds, some of thousands of acres, equally good with his open ground, but not cleared for want of hands; these settlers are continually on the watch for new emigrants, and engage as many

of them as they can to fix upon some of their wood-lands, for clearing part of them; these are supplied with plenty of provisions the first 12 months, and have permission to sell as much tar, turpentine, and staves, as they please, for their own use; they are furnished with all implements for clearing the ground, and improving it; negroes are often given them to assist them; then they get so many milk-cows, so many hogs to breed, &c. they sow Indian corn and other grain for their own use; their task is to attend to the rearing of cattle, and breeding of hogs, and to take care that they clear, properly, as much ground as they and their families, with the assistance of negroes, are able; for their trouble, they have from the owner the 3d part of whatever the land so cleared produces, the 3d bushel of whatever grain, the 3d calf, the 3d pig, &c. This is a great spur to their diligence, and an ample reward for their toil, which is far from severe, and soon puts the new-comer in condition [29] to plant lands for himself; and he frequently gets free land of his own from his master, contiguous to the estate he has wrought upon; so that in a few years, a poor man, with a throng family, may work himself into affluence, and lands of his own, and have plenty wherewith to stock it at once, and with little trouble may increase it every year. From all which it is plain, that no person can be in want for any time; nor are beggars or vagrants to be seen in that country. The poorest set of people whom I saw there, are such as ply as sailors, or watermen rather, on boats and lighters, up and down the rivers: they are generally drunkards, and can be of little use in any other way; yet these get half-a-crown a-day, and 3 gallons of rum per week. Upon the whole, it is the best country in the world for a poor man to go to, and do well. The settlers far back in the province; who are at a distance from a river, send their goods for market in large waggons to the town of Cross Creek, where may be seen 40 or 50 of them in a day, and these waggons belong to the planters themselves. At this place, the merchants of Wilmington have stores and agents to buy and lay up the goods; and they are conveyed by water to Wilmington in this manner: these merchants, or the settlers along the river, make large rafts of timber, as is common in Holland; upon these they lay their beef, pork, and flower, in barrels, also their live stock, Indian corn, raw hydes, butter, tallow, and whatever they have for market: boats and canoes always accompany these rafts: on these,

again, are brought up the river whatever goods are taken in exchange. The planters dispose of their goods to merchants in town, or to ships at Wilmington, where there are many now from Britain, the West Indies, and the different colonies; to these they sell their goods, and in return, bring back sugar, rum, salt, iron, &c. and the rest in cash. The credit of the Highlanders, though but lately gone thither, is as good with the [30] merchants at Wilmington as that of the oldest settlers in the province, as they find them punctual and industrious; and, for all goods brought down the river, there is commonly a quick sale, in barter of goods, or in ready money. As in every rising colony, so in this, tradesmen are much wanted; and the demand for them must increase in proportion to the number of settlers that resort to it. Accordingly, at present, tradesmen of all kinds have the greatest encouragement here; those most in request, are mill-wrights, coopers, wheel-wrights, house and ship-carpenters, black-smiths. Here farmers would get good employment; fullers, dyers, and stocking-weavers, are much wanted. The ship-carpenters get 13s. per day; the cooper half-a-crown for every barrel he makes; the taylor from 30 to 40s. for the bare making of a suit of clothes; the shoe-maker from 5 to 6s. for making a pair of shoes; wrights and masons 5s. a-day; weavers get every 4th yard for working either woolen or linen cloth, and so on. To enter into more particulars would require a volume.

To such of my countrymen as incline to emigrate to this country, I would point out the month of August as the fittest time for their leaving home, by which means they reach there in the season of most plenty: they have the winter also before them to work at clearing of ground, and naturalizing themselves to the climate, which for them is most dangerous, as I said, when the heat of summer, and the rainy season comes; the complaints most common there, are fluxes, fevers, and agues. Upon their arrival among their friends and countrymen in North Carolina, Highlanders are kindly received, and sumptuously entertained, with a variety of rich and fresh meats, and the best of drink. The serenity of the air creates a keen appetite, and the generality of new-comers, after a long confinement during the voyage thither, and not being used to [31] such luxurious fare, are apt to indulge themselves too much, tempted by such good living, and delicious fruits as abound there, which sometimes pro-

duce bad consequences. I would therefore offer them a caution, and recommend temperance and abstemiousness to them for the first season, till, by degrees, they are inured to the place; and thus, by using gentle exercise, and living moderately, they will escape the hazards that people run by a change of climate; and, when once naturalized to it, they are in no danger, but may be out late or early, travel by night or day, go the same lengths, and use the same freedoms, they were accustomed to at home, and with equal safety.

I have now finished the general sketch which I proposed to give of this province to my countrymen, from which, though not arranged in an exact and regular order, I flatter myself, it will appear to them abundantly inviting in respect to climate, soil, produce, and manner of settling there. Here we see, that a man of small substance, if upon a precarious footing at home, can, at once, secure to himself a handsome, independent living, and do well for himself and posterity. The poorest man, if he can but work, procures, at once, plenty of subsistence, which grows yearly upon his hands, until, by gentle and agreeable labour, he arrives, at last, at a state of affluence and ease. None of either sex or profession need fear the want of employment, or an ample reward and encouragement in their different occupations and callings. All modes of Christian worship, not detrimental to society, are here tolerated, as in the other royal governments in North America. The church of England is the established religion; but the Presbyterians are most numerous; and divines of that order might here find decent livings; lawyers and physicians are here respected; professors of the sciences are as yet few; teachers of youth are much caressed, and wanted. A rising colony [32] is always reckoned a proper field for the honest, industrious merchant to prosper. Tradesmen, mechanics, and labourers of all sorts, have here an ample range before them: hither then they may repair, and no longer remain in a starving and grovelling condition at home: they may hasten across the Atlantic, and carry over with them some remains of the true old British spirit before it be totally vitiated and extinguished: thither let them import their yet generous and liberal sentiments: let them transport thither the polite arts and sciences, that they may grow up and flourish in a happier clime, and under more benign skies. Here each may sit safe, and at ease, under his own fig-tree, indulging himself in the natural bent of his

genius, in patronizing the useful arts of life, and in practicing the virtues of humanity. In a word, let the Highlanders only compare the situation of the country they now live in, to the country of which I have given them but a rude and imperfect draught, and then, if they can, let them long hesitate about the choice they are to make.

Portaskaig in Islay {
 May 24th, 1773. {

SCOTUS AMERICANUS.

THE END

XIII

THE INDEPENDENT CITIZEN (1787).

INTRODUCTION

From the close of the Revolution to the ratification of the Federal Constitution there was a deep and increasing conviction among a considerable class of North Carolinians that certain fundamental rights, based on the law of nature and guaranteed by various charters and statutes of England, were violated and jeopardized by certain policies of the Legislature. Illustrative of this conviction is the pamphlet anonymously published in the summer of 1787 under the title, *The independent Citizen*. The specific policy of the North Carolina Legislature which it subjects to criticism is the denial of jury trial in property cases arising under the confiscation laws and in ordinary civil suits involving no more than £10 and £20. For a proper understanding of the protest regarding these matters a review of the pertinent legislation is necessary.

The policy of confiscating the property and also the debts of loyalists was adopted in 1777, and in 1779 the execution of the policy was entrusted to commissioners appointed by the county courts. In 1780, because of the derangement of the currency and the depreciation of property values due to the British invasion of the South, confiscation was suspended; but after a favorable turn in the tide of military affairs, it was resumed in the year 1782. An important phase of the confiscation policy was the recognition of property rights and claims which citizens of the State might have in the property confiscated; such claims and rights, upon proper petition, were to be decided by jury trial in the county and superior courts.

After the Peace Treaty the policy of the State toward loyalists became a live issue, producing a well-defined cleavage in the politics of the day. One faction favored a strict conformance to the letter and spirit of the Treaty, which meant toleration of loyalists and the end of confiscation. A second faction held that the Treaty did not require a change in the administration of laws already enacted, and favored a continuation of the policy of proscription. The latter faction dominated until the early months of 1787. Very notable was the legislation for which it was responsible in the years 1783 and 1785. In 1783 jury trial in questions of claims and property rights involving confiscated property was denied, the settlement of such claims and property rights being left to the decisions of the

judges. The following year bills repealing the confiscation laws, so far as they conflicted with the Peace Treaty, were rejected. Then in 1785 came the climax: the courts were forbidden to entertain suits for the recovery of property when the titles thereto were derived from the confiscation laws.

Against this intolerant policy there was a reaction. Its most notable phase was the case of *Bayard vs. Singleton*, heard in May 1786, when the judges refused to dismiss the suit as the statute of 1785 directed, but withheld decision in the hope that the Legislature at its impending session would repeal the law. When that body convened in November following, there was an unsuccessful attempt to impeach the judges. Thus the independence of the judiciary was preserved, and in May 1787, the court rendered its decision, which upheld the confiscation laws but also declared that the law of 1785 was "abrogated and without effect" because it denied jury trial, a right guaranteed by the state constitution.

In the meantime, in January 1787, the Legislature manifested a liberal tendency; it acknowledged the right of citizens to prosecute suits in the courts of law and equity for property sold under the confiscation laws, provided claims to such property were not derived from persons described or mentioned in the confiscation acts—reference evidently being made to certain specific statutes.

Such were the pertinent facts regarding confiscation when "The independent Citizen" published his protest. Regarding the right of jury trial in the other cases mentioned, the evidence is far less abundant and far less important. Briefly, in 1785 a single justice was given jurisdiction over debts and demands of £10 or less, and in 1786 his jurisdiction was extended to cases of £20. Thus, as in the loyalist legislation, the authority of the justices was increased by restricting jury trial; again, also, there was a liberal reaction, for in January 1787, the right of appeal with jury trial from the decision of the single justice was granted.

It was in July 1787, on the eve of the Federal Convention, that "The independent Citizen" voiced his grievances over the restrictions on jury trial. Singular it is that he ignores the case of *Bayard vs. Singleton* and regards the statute of 1785 prohibiting any hearing of suits which involved the confiscation laws, as in full force. He also ignores the right of jury trial upon appeal in cases of debts and demands, and also denounces a statute of 1786 that required damages

or reimbursement on the part of the commissioners of confiscation to be paid in certificates. The author was evidently a special pleader rather than an impartial chronicler of all the facts. The trend of his argument is that trial by jury, one of the liberties of Englishmen, cannot be taken away by Parliament itself, and that it has been guaranteed in the state constitution of North Carolina; therefore, any act of the Legislature infringing upon that right is null and void; indeed, if "what the Assembly do is contrary to the law of reason, nature, pure morality, natural justice, and equity, or to that benevolence which we owe our brethren by the ties of nature," etc., said action, "in the words of My lord Coke, and the statute of 38 Ed. III, OUGHT TO BE HOLDEN FOR NONE, there needs no authority *upon earth* to undo which is *so done*, for it is *null* and *void* of *itself*, notwithstanding the authority of Kings, Lords and Commons, or to speak more in place, of the Senate and House of Commons."

Evidently there are unwritten principles of right and justice to which written constitutions and laws must conform. And the pamphlet elaborating this idea is dedicated to William R. Davie, one of the attorneys in the case of *Baynard vs. Singleton*, representing loyalist interests, now a delegate from North Carolina to the Philadelphia Convention. He is called upon to preserve the liberty of the people. "OUR COUNTRY IS IN DANGER, and with the united voices we say: THOU ART THE MAN *who can save us from such destruction!*"

The identity of the author of this pamphlet is unknown. The style is suggestive of Archibald Maclaine, of New Hanover County, who had often represented loyalist clients. A copy is in the possession of the Library of Congress, and that institution has given permission for this reprint. There are numerous misspellings and some corrections in long hand, made by the author.

*Printed by Messrs. Martin & Co. in
No. 12, a large lot for the improvement of the State*

The Independent
CITIZEN.

OF THE RIGHTS OF THE PEOPLE asserted against the U-
surpations of the LEGISLATURE of NORTH-CAROLINA, in re-
vocations of Assembly, passed in the years 1783, 1785, 1788 and 1789.

Our doubts are trifles,

but make us miss the good, we oft might win.

By daring to attempt.

Shak. Meaf. for Meaf.

Matter grows upon us.

Let us join Jay, come, off with us

Underline.

TRISTRAM SHANDY, vol. 1. p. 168.

To the Honorable
W. R. DAVIE, Esq;
Counsellor at Law, one of the members
of the Federal Convention.

S I R,

IN a remote corner of the country, your name has reached me. The voice of Fame has informed me that, to the much honored character of a Soldier, you have added the distinguished Statesman. If the ken of human foresight does not disappoint me, the same glow of patriotic spirit, which led you to the field, will be demanded from you by your country, in the hour of peace.

H I D D E N enemies are dangerous; Treason in changing shapes stalks over our land; Men actuated by the Demon of wickedness, softly and ignorance, listen with gaping mouths to her insinuating whispers.

I T is incident to humanity to remove the evil day far from us: while we think it at a distance, we deem ourselves secure. Men wrap themselves up in the infatuated cloak of safety, until the storm bursts with dread thunder on their heads.

O U R COUNTRY IS IN DANGER, and with united voices we say: THOU ART THE MAN who can save us from destruction!

I F the thoughts directed to the Printer of the State Gazette can claim your attention, for a moment, from the load of weightiest matters, you will oblige your country, and

AN INDEPENDENT CITIZEN.

July 30, 1787.

THE INDEPENDENT CITIZEN.

NUMBER I.

I FIND it declared by an ordinance of the General Assembly passed at Fayetteville, the last session, that a single Justice is to have a jurisdiction out of doors to the extent of twenty pounds.

WHENEVER any measure which concerns the public safety is proposed, it is the right of every individual to canvass it; and if any one apprehends, that it has a manifest tendency to the ruin of *his country*, to oppose it. I mean therefore by this public address, to shew the *gentlemen* who suggested the Bill, and others who supported it in its *hasty* passage through the House, its illegal foundation, and ruinous consequences.

WHEN article is employed by a *Junto* of unlearned and inconsiderate spirits, grown proud in office, to practice on the passions of the people, in support of this plausible decretal, it would be culpable in those who understand and value the true interests of the community to remain silent spectators. Duty alone calls forth the observations in these letters, which will be submitted to the good sense of the people, from one who has more inclination than leisure to serve them, and who as a good citizen, would feel himself injured to see the happy fruits of our revolution, blasted by the violence of *rash* and *unprincipled* men, without at least protesting against their designs.

I HAVE ever understood it to be an acknowledged and granted principle, that on our ancestors landing in America, *British Laws and British Liberties* had emigrated with them, and that these laws and liberties were the *basis* upon which our Constitution was founded: thus to have grown and nurtured under a Constitution unrivaled for its political freedom, and possessing all the inherent advantages of an old and well established government, was the greatest happiness that could attend a new settlement, in a new world.

OUR ancestors ever considered the *trial by jury* as the *bulwark of liberty*, and the *fundamental right* of every freeman. The same law which entitles a nobleman to a trial by his peers, secures also to every other person his parallel right to a *legal* and *impartial trial* by a *jury* of honest and unexceptionable neighbours* and *no other trial* can be esteemed *legal* or *impartial*.

IN all cases whatever (except treason, carried on by British or American subjects, in the dominions of a foreign prince) the *trial by a jury of neighbours* to the fact is the unalienable right of freemen, according to the ancient law of the land. Nay, this particular *mode of trial* is so particularly attached to the *Laws of the Land*, that it is

**Per pares suos, Magna Charta, C. 14.*

expressed and known by that general term, THE LAW OF THE LAND, LEX TERRÆ, as if there was no other law of the land but this one; which emphatical expression sufficiently proves that this *particular law*, for the *mode of trial*, is the *first and most essential law of the* [2] *Constitution*. For, otherwise it would not be entitled to such an eminent and peculiar distinction, in preference to all the other excellent *laws of the land*; and consequently, this *principal and fundamental law* is so necessarily implied in that general term THE LAW OF THE LAND, that the latter may be considered as entirely subverted and overthrown, whenever the former is changed or set aside, for, *sublato fundamento cadit opus*.

IN the 29 C of *Magna Charta*, 9. Hen 3, the LAW OF THE LAND is mentioned in this peculiar sense: "That no Freeman ought to be "taken, imprisoned or disseized of his freehold, liberties, or privileges; or outlawed, or exiled, or *in any manner* destroyed, or "deprived of his life, liberty, or property, *but by the law of the land.*" *Nisi per legale iudicium parium suorum, vel per LEGEM TERRÆ*, and again. *Nec super eum ibimus nec super sum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ.*

LORD Coke refers us, for the true sense and exposition of these words, to the Statute 37, Edw. 3, Ch. 8, when the words, *by the Law of the Land*, says he, are rendered, *with due process of law*, that is, says he; by indictment or presentment of *good and lawful men, where such deeds be done* in due manner, or by *writ original of the common law*.

THESE last are the express words of another act of Edw. 3, wherein they are given as an explanation of the words, *by the Law of the Land* ‡mentioned in the Great Charter, and the Great Charter itself as well as this particular act, and many other excellent acts, of Edw. 3, are expressly cited and confirmed by the 16 Car. 1, Chap. 20, whereby the *due process of law*, (or the ordinary process of law) is again re-established in opposition to the unlawful authority, that had been usurped by the Kings, Privy Council, and Star Chamber.

‡Item, whereas it is contained in the Great Charter of the franchises of England, "that none shall be imprisoned nor put out of his freehold, nor of his franchises or free custom, unless it be by the" Law of the Land: It is accorded assented and established, that from henceforth, none shall be taken, by petition, or suggestion made to our Lord the King, or to his Council, unless it be by "indictment of his good and lawful people of the same neighbourhood where such deeds be done." in due manner or by "process" made by writ original at the common law. Nor that none be put out of his franchises, &c. unless he be duly brought to answer, and forejudged of the same by the "course of the law" and if any be done against the same, it shall be redressed and HOLDEN FOR NONE. 25, Ed. 3, c 4.

"ALBERT," says my lord *Coke*, in his *Proeme* to his second institute, "judgments in the King's Courts are of great regard in law, and *judicia* are accounted as *jurisditta*, yet, it is provided that if any judgment be given contrary to any point of the Great Charter or Charter de Foreste, by the justices, or by any other of the Kings Ministers, it shall be *undone and holden for nought*."

[3] THAT this *due process of law*, is also a *fundamental* and *essential* right of the subject, every man who pretends to doubt it, may be informed by the *feeling of his own breast*, if he will only take the trouble for a moment, to suppose *himself* in such a situation, through the false accusation of his enemies, that nothing but an impartial trial by a *jury of his neighbours* well acquainted with him and his cause, and the malignity of his accusers, can possibly save him from destruction! And further, it is apparent that the said *due process of the law*, by a jury of the neighbourhood, is now become an *unalterable* part of the Constitution, and must ever remain in force, not only against all contrary *resolutions* and *opinions of judges* but against the express authority of any Statute of Parliament, or act of Assembly made to the contrary; because all such must necessarily BE HOLDEN FOR NONE.

PARLIAMENTS, in time of 3, Edw. were preserved in great purity and independence, by very frequent renewal of the *popular representation*|| and though it may be alledged against the authority of an act of Parliament, that another act may unbind what it has bound: according to the maxim, *eodem modo quo quid constituitur, eodem modo dissolvitur*; yet a due consideration of this very maxim will afford us a substantial argument to the contrary: For at the time the *Great Charter* had been *expressly confirmed by many parliaments*, not only by that noble king's ancestors, but also by at least *twelve preceding parliaments*, even in his own reign; so that the parliament in his 42d year, had sufficient authority to add to their confirmation of the Charter *that if any Statute be made to the contrary, that, shall be holden for none*‡ and the reason is plain, for no Statute, (*eodem modo constituitur*) is ordained by so *great authority*, as the *Great Charter* has acquired by the express confirmation, from time to time, of so many different Kings and parliaments.

||Every year, and oftener if needed. 4 Ed. 3. c. 4.

‡This follows the confirmation of the Great Charter, 35 Ed. 1, c. 2.—where it is said "That if any judgment be given, from henceforth, contrary to any point of the Great Charter, by the Justices or by our Ministers, it shall be undone and holden for *Nought*."

IN the time of Sir *Edw. Coke*, the Great Charter had been "expressly confirmed and established, and commanded to be put in execution by *twenty two different parliaments*," as he himself witnesses. *Procme to his 2 Inst.*

So zealous were our ancestors to preserve their liberties by the Great Charter, from encroachments, that they employed all the strength of human policy, and religious obligations to secure them entire and inviolate; *the [4] wisdom of ages has made it venerable, and stamped it with equal authority to the *constitution* itself, of which it is in reality a most *essential* and *fundamental* part; so that any attempt to REPEAL OR ALTER it, would be TREASON TO THE STATE—This glorious charter must therefore ever continue inviolate. No single act of parliament can unbind or remove the limits laid down; nothing less than the same *accumulated authority* by which the charter is now established, can possibly set it aside, or any part of it, according to the maxim before recited, *eodem modo dissolvitur*. For no single act of parliament is ordained in the same manner. The many repeated CONFIRMATIONS of its authority were a work of ages, so that the said authority cannot legally be set aside, unless it be ordained in the same manner, that is *by the repeated suffrages of so many parliaments against it*, as have already confirmed it—God forbid that any such gross depravity and corruption, should ever obtain its continuance in this State to accomplish so great an evil. Such a total national reprobacy, would be unexampled in the history of men.

IN my next, however, I shall attempt to shew you, that such strides to overturn this SACRED PALLADIUM of our Liberties, have been made by the General Assembly of North Carolina.

NUMBER II.

HAVING in my first letter attempted to shew you from *precedent* and *principle* the SOVEREIGNTY of the TRIAL by JURY, in all cases whatever over the weak authority of *Legislative bodies* or the still more important efforts of the *Judiciary*, I will now bring my

*In the 35 Ed. 1, there is a sentence of the Clergy against the breakers of the Great Charter, whereby "they excommunicate, and accurse, and from the body of the Lord Jesus-Christ, and from the company of heaven, and from all the sacraments of the holy church, do sequester and exclude, all such who openly, or privily, resist or break through the ordinances contained in the Great Charter."—There is another like "dreadful" but more "full and express curse" solemnly pronounced in the time of Hen. 3. by the primates and bishops "against the breakers of the great charter, and all that secretly and openly do make statutes, and observe them being made, against the liberties of Magna Charta." Stat. Ed. in 1557 Q. Eliz.

arguments home, and prove to you from the most irreffragable evidence that great strides have been made most *ILLEGALLY* and *UNCONSTITUTIONALLY*, to overturn this Gothic structure, contrary to the Great Charters of our forefathers, contrary to the declaration of rights by the convention of the people and contrary to repeated acts of Assembly.

WHEN Great Britain threatened us with the iron Rod of subjugation; Congress in her appeal of greivances to the nations, bewail the wretched state of the sons of America, and points out in enlivened colors, the patient sufferance of the colonies, to the repeated injuries and usurpations of Great Britain, as having in direct object the establishment of an absolute tyranny over them. *Great Britain*, say she, *has DEPRIVED us of the TRIAL BY JURY!*

[5] So unalienably attached were the people of this and the other States to this sacred mode of trial, that it is engrafted in every bill of rights of every State in the union, as the most hallowed vestige, and the most impenetrable shield of liberty.

IN the 12 § of our Constitution, it is said: "That no freemen ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in *any manner* deprived of his life, or liberty or property, but by the law of the land."

IN the 14 § it is said. "That in all controversies at law respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain *sacred and inviolable.*"

BY the Charter to the Palatine, and the Proprietors, granted by Cha. 2, 1675, 1677, a power was granted of making such laws, in future, as were *consonant with reason*, and the laws of England then existing were given to us as a pledge of governmental love.

BY an act of 1715 (page 9 old bound laws) the laws of England are declared to be the laws of this government, and the common law is enforced, so far as compatible with our situation.

IN April, 1778, c. 5, the Statute Laws, as *were heretofore in use*, are declared to be in full force, and in Nov. 1777, c. 14, the same doctrine is expressly laid down.

IN the common routine of life it is the *characteristic* of a *good citizen* to live *subordinate* to the laws, it is the distinguished feature of liberty not to transgress them. He that lives in defiance of the laws of his country, is in a state of *warfare* against it. He that

attempts by open force or *strategem* to overturn its government, or to sap the vitals of its constitution, is in a state of *rebellion* or a state of *treason* to his country. And the maxim altho' generally applied to the individual, will still hold good, when applied to political bodies, or *ministers of government*.

ON Principles of liberty, of patriotism and political virtue, it must be a matter of amazement to every observer, to discover upon what ground (except on an absolute intention to overturn the freedom we enjoy) any *set of men invested with authority*, should attempt to overturn the *trial by jury*, and this too, in opposition to such a weighty cloud of witnesses, to such a mighty barriers, inforced by the wisdom of ages, and confirmed by repeated Statutes, and acts of Assembly, sacredly established by a *declaration of rights*, and dunned into their ears, by the crying entreaties of thirteen whole nations! Yet strange to tell, whether it proceeded from ignorance, from precipitancy, from criminal design, or from the whisperings of *foreign emissaries*; it is certain that the Legislature of this State, at their session in Newbern, in 1785, did pass a law, *ordering all suits then depending, or that afterwards might be commenced, relative to confiscated property*, instantan to be dismissed, *on affidavit!!!*

IN the same session a jurisdiction of £. 10, in all matters of contract is given to a single Justice out of doors, and in the Session of 1786, this jurisdiction is farther encreased, £. 20!

[6] LET us take a look at each of them, in their order.

HOWEVER, much it may be questioned that the property of persons acting treasonably to the laws of their country may be forfeited by name, or general appellation, without an inquest of office, it can never admit of a moment hesitation, that claims to or against such property by persons who do not come under any censure of government, should have the opportunity of a fair and impartial trial.—*Should receive justice and right freely without false fully without denial, and speedily without delay according to the law of the land.* *Yet by the former laws of 1785 and 1783, c. 19, § 5, this privilege is arbitralily taken from him, and he is even denied the liberty of a hearing.

IN the rage of war, in the heat of political commotion, examples may be made, with some shew of justice, or at least of zeal, but in the hour of peace, in the calm moment of deliberation, such acts

*Magna Charta, c. 29.

were tyrannical, and argued a depravity of principle, or a still baser design of premeditated mischief: Even Great Britain herself, had subjugation been the consequence of her arms, never would have so *immodestly* offended the rights of men. Nay, a Turkish Bashaw would have revolted at the thought of deeming his crouching slave to execution, without the formality of a conviction. No argument can be drawn from the necessity of the thing; our coffers were not empty, our treasury was not shut. The people were not poverty struck; neither were the sale of such property to enrich us, to add to the diminution of taxation, or to fill our national bank, with stores of wealth: but with the angry dog in the manger, it was a mere shewing of the teeth.

A twelve month's revolving sun has compleated the mischief, property real and personal, is returned as confiscate upon *bare surmise*, and illegally sold by commissioners: and as if to sooth the malady: and to pour wine and oil into the wounds of the injured citizen, he is told by an ordinance passed at Fayetteville 1786 that he may now have his trial by jury and receive in certificate money, the nominal sum for which it was sold in return: when it is notoriously known, that the whole return of any individual commissioner in this same money has been scarce sufficient to defray his expence and loss of time.

Oh! 'tis excellent,

To have giants strength, but 'tis tyrannous to use it like a Giant.

IN answer to the £. 10 and £. 20 law, altho' with great modesty, they are admitted on all hands, to be a small departure from the Constitution, yet, it is strongly alledged in defence of the bill, that Judges were remiss, that Lawyers have been guilty of abuses, that the Court dockets are too crouded, that the Justices are fully competent to the task, and it is a mean of great easement to the people.

SUCH a farago of argumentative defence, carries with it a seeming plausibility, but like the spider's web, it is of too slight a contexture to stand the smallest breath of air.

[7] IF Judges are remiss, let them be removed, let them be punished. If Lawyers are guilty of abuses, let them answer for it at their peril. If Court dockets are too crouded, let the duration of Courts be extended, let men be appointed as Judges, who have studied the profession, and let them be well paid for their real

services. These are matters that may be easily remedied. The judgment seat is not to be trampled on, for the weakness of the Judges, neither are whole bodies of men to be blamed for the errors of a few. But I deny the latter part of the defence, and aver that Justices according to the tenor of the act of 1785, are incompetent to the task of such an extensive jurisdiction, and that it is not an easement to the people.

IF every single Justice in the state is to have such jurisdiction, and indeed the act declares it, it would be necessary that a line should be drawn between the literate and the illiterate, between the honest man and the knave. It would be necessary that *censors* in each county should be appointed, to see who should judge, and who should not: it would be necessary to establish seminaries for the education of the Justices, and temples of purification to purge them.

THIS being the fact that the justices are incapable of this *newly created office*, it follows of course, that it cannot be an easement to the people. For unless justice be legally and properly administrated by virtuous, upright and skillful men a door is opened for every degree of wrong, turpitude and prostitution.

THIS much for the fact attempted to be proved, that the trial by jury was arbitrarily taken away. In my next, I hope to be able to shew that our Legislative body cannot exercise such authority.

COULD great men thunder as Jove himself does,
 Jove would ne'er be quiet;
 For every pelting petty officer would use his Heaven for thunder;
 Nothing but thunder. Merciful Heaven!
 Thou rather with thy sharp and sulph'rous bolt
 Splittest the unwedgeable and gnarled oak
 Than the soft myrtle: oh but man! Proud man

Dress'd in a little brief authority,
 Most ignorant of what he is most assur'd,
 His glassy essence like an angry ape
 Plays such fantastic tricks before high Heaven.
 As makes the angels weep.—

Shakespeare.

NUMBER III.

HAVING in my two former letters, attempted to shew that after the emigration of our ancestors to this continent, all the British laws then being, the birth right of every subject, were immediately in force. (Bl. Com., 107.) Having farther attempted to shew, that this right has descended to us their posterity and successors, in the same manner as all other inheritances, and that the legislature of this State, have passed acts obnoxious to this our best inheritance, and fundamental right of the subject: I am now asked with a sneer, *Cannot the Assembly do ANY thing?*

WHEN in the course of human events, it became necessary for the people of this State, to dissolve the bonds which cemented them to Great Britain, and to assume among the powers of the earth, that separate and equal station, to which the laws of nature, and of nature's god intitled them: they met in *full and free convention*, for the express purpose of framing a *constitution* and of organizing its powers as should be most conducive to its sure foundation and permanent security. *They* declared that *all political powers was vested in, and derived from, the people*; and as their representative they established a *BILL of RIGHTS*, and fixed the boundaries of each reared; the component parts of which were to be a check to the department of State.

SHAPING after the English model a limited government was growing powers of either: and a *Constitution* was permanently established as a sacred temple of health, as an inviolable Pailodium of their liberties, and a pole star of future direction.

WITH this in our view, let us examine the supposed omnipotence of Assembly, it stands nearly upon the same footing with the parliament of England.

By supposing the Assembly to be omnipotent, *the superior power of the state is vested in their hands as one person.*

Now to this superior person of the state, there must be an immediate *dependence* of the people; and dependence is little else than an *obligation by the inferior to conform to the will or law of that superior person.*

WE admit a *legal* dependence to this superior person or Assembly, but when dependence is defined as Judge Blackstone justly represents it to be an *obligation to conform to the will or law of the superior,*

it ceases to be a legal dependence according to the common law and constitution of England, or according to our bill of rights.

To France and to the Frederician Code such definition of dependence is applicable, because in such despotic realms, the people acknowledge an inherent obligation to conform to the WILL or LAW of the superior. Under French, Prussian or Imperial government, WILL and LAW are synonymous. *Quod principi placuit legis habet vigorem* however wicked or iniquitous.

BUT this detestable Civilian maxim is not admitted by Freemen. Our laws acknowledge the Assembly for, the time being, to be the *superior* head of government. But the dependence which is thereby required from the *inferior* individual, or subject, is a *politic*, or *legal* dependence, and not *absolute* or *unlimited*.

"THE King's power," says Blackstone, "is not regal, but politic and limited: neither can the King's subjects exercise a sovereign legislative power. *The Sovereign Majesty of the people* can ever be exerted in their own defence, to [9] maintain their natural rights and privileges;" but when on the contrary, any delegated body, execute a sovereign legislative authority, to deprive the subject of their natural rights, and liberties, they no longer deserve to enjoy their own: for as the crimes of individuals are punished with personal condemnation, national sins must feel the political weight of national retribution.

THIS imaginary omnipotence of Assembly, that whatever is ordained must be law, without any exception of right or wrong, must be restrained within the bounds of *reason*, *justice*, and *natural equity*.

IF it should unfortunately happen from oversight, misunderstanding, or design, that what the Assembly do is contrary to the law of reason, nature, pure morality, natural justice, and equity, or to that benevolence, which we owe our brethren by the ties of nature, or

2ly. IF contrary to the written laws of God, or

3ly. IF contrary to any of the *fundamental rights and franchises declared in the great charter*.

4ly. IF *contrary to any part of the constitution declared by the convention of the people*.

5ly. If contrary to truth: i. e. if any act should be made upon partial information, or groundless suggestion, which shall have occasioned a misrepresentation of truth in recital of fact.

If in any of *these points* it should unfortunately or designedly, happen that what *the Assembly* do is contrary thereto, the same in the words of Mylord Coke, and the statute of 38 Ed. 3, OUGHT TO BE HOLDEN FOR NONE, there needs no authority *upon earth* to undo what is *so done*, for it is *null* and *void* of *itself*, notwithstanding the authority of Kings, Lords and Commons, or to speak more in place, of the Senate and House of Commons.

WHENEVER any such acts have been inadvertently, or intently made, the most honorable way of getting rid of them, is by the same authority to declare them *null* and *void*, and not merely to repeal them, because the latter is no sufficient reparation to injured justice and truth. For as all men are fallible, it is ungenerous and highly dishonorable, in any man or body of men whatever, not to acknowledge an error or mistake, when the same is fairly demonstrated.

THE power and jurisdiction of the Assembly for making of laws &c. is not therefore so transcendent and absolute that it cannot be confined, *either for causes or persons within any bounds*, since the very bounds and limits of it are so very clearly defined, as well as the limits of *legal power*, that they fall within the judgment of every man who has common sense to distinguish good from evil, or right from wrong. So that the omnipotence of the General Assembly is not only, as Judge Blackstone says, *a figure rather too bold*, but even totally false and unjust. Because the Assembly is manifestly limited under the controul of the constitution, and *cannot do every thing that is not naturelly impossible*, for the power of right and justice alone is of the God of virtue [10] but that of wrong and injury is of the Devil.—W. Cumming, Comm. on St. Paul.

The mere powers that be cannot bind the conscience when they exceed just limits, any more than the threats of a lawless bandity; and therefore we may truly say of the branches of our legislature in their united authority, what the ingenious Mr. Saddler, said concerning the English House of Commons, when they are freest they have limits, for they be not infinite. Nay, when they are most free they are bound to good order and to right reason.

Every independent citizen of this state would indeed rejoice if all our assemblymen were sensible of these *indispensible limitations*. Every patriot at our next election will, I trust, join hand with me in the observation of the great commentator of England, "That it is a matter most essential to our liberties, that such members be delegated to that most important trust, as are most eminent for their probity, fortitude and knowledge. For it was a known apothegm of the great Lord Treasurer Burleigh that England could never be ruined but by a Parliament.

At the present moment, when the power of the Justices is so great, when they look impotently big with the important charges of Judge and Legislator, when they have swallowed up in their greedy punch almost all the legislative and Judiciary authority of the State, surely we may conclude with the observations of Lord Burleigh, *that this country can never be ruined but by such men in her assembly*.

NUMBER IV.

I HAVE said that acts of Assembly which prevent the course of common law, or rob the subject of any *fundamental right*, are *void and should be holden for nought*. As for instance let us suppose, that an act is made to stop, or prescribe the passage to any port or haven, shore of the sea, or great river; without the consent and to the great detriment of all the neighbouring inhabitants such an act, would be *fundamentally wrong*, as being contrary to the first and most essential right of mankind, *the law of nature*, for it is clearly laid down by every writer from the time of Bracton to this day, that "all ports, havens, shores of the sea and of great rivers, *are free*, by the laws of nature and nations, to the inhabitants of that country, and to all friendly passengers."* So that such an act would be manifestly contrary to the law of nature and nations, and consequently, is such as no Legislature on earth, can render valid or legal, because *natural rights, and the laws of nature are immutable*. Besides it must be remembered that the stopping the passage or highway to any city, or town, is an intolerable nuisance, which is clearly adjudged in law to be such a *malum in se*, as can never be lawful (II Hen. 7,

* "By natural law" says he, "all things are common, the water, the air, the sea and its shores.—No man can be prohibited from visiting your coasts so long as he does not interrupt your houses and villages, for by the laws of nations the shores are common as is the sea." *Bracton*, 1 *Lib. C.* 12.

[11] p. 14, rep. 334, J. Vaughan, *malum in se*, the King or no other person can dispense.)

SUPPOSE an act should be made to empower the Governor, without the advice of the Council, to appoint Judges, and other law officers, to hold their commissions, *during his pleasure*, instead of the appointed and legal condition *quamdiu bene se gesserint*, during good behaviour, thereby setting up will and pleasure, above law and justice which are the first and most essential rights of the people. Would not such an act attend to the utter subversion of the common law.

SUPPOSE it should be ordained that the inhabitants of Newbern, should not be permitted to meet at the coffee house to talk of the news of the day, or other matters of general concern, except the business upon which they are to talk, is first laid before the Governor, and his leave had and obtained. Would not this be a principle subversive of all common right and natural equity.

To compleat the iniquity of such proceedings in Assembly, let us suppose a clause, whereby it is made *lawful*, for the Justices of any one county, in any cause or action that shall be brought to issue, to order the trial to be had by a foreign jury, in another county, one hundred miles distant, other than the county to which the *venire* is returned. Would not such a clause strike at the very foundation of Justice.

IN this instance the citizen is robbed of the fundamental and unalienable right of the *trial by a jury of the neighbours*, but let us suppose an act still more partial, and rendered still more aggravating and insulting by leaving a title contrary to the purport of it; perhaps entitled an act *for the speedy administration of Justice*, whereby the justices of any county in any one district, may have a power of removing the trial, to the most distant part of the state, or as was the case before the revolution by a truly arbitrary act to a foreign state.

SUPPOSE the Justices are ordained to have power to try such and such persons, by general description, without offering them an opportunity of being heard, in their own defence, and of trying them without a jury, and *at their discretion*, in doors or out of doors, before one or two.

WOULD not this be, the most notorious stretch of injustice, that a wicked imagination could possibly conceive.

OR suppose to fulfill the measure of iniquity, an act made in Assembly at once to annihilate the laws hitherto in use and expressly to adopt the Frederician code or the arbitrary laws of France. *Quod volo sic jubeo: stet pro ratione voluntas.*

LET us suppose that the inquisition is to be introduced, let us suppose that ample provision is therein made for the establishment of idolatry and image worship, for the toleration, of the most notorious exorcisms and spiritual witchcrafts: in short for the express establishment of the whole train of [12] Romish superstition in its most antient rigour; with the payment of St. Peter's pence to the Pope, and of purchasing indulgence from the Governor: who shall presume to say, that any power on earth, or the imaginary omnipotence of Assembly has authority or right to establish such abominations or to render lawfull such gross iniquity and palpable injustice?

THE *law of reason*, is an universal law; any acts therefore which are contrary to nature, justice, morality, benevolence, are contrary to reason, that ray of divine nature and supreme law and consequently are null, and void, being mere corruptions, and not laws. ‡

IF any act of Assembly is in any way contrary to the *divine* laws, it has no force. Suppose an act, to prohibit the marriage of any particular order of men, and forcibly to separate such as were married from their wives, would not such a law be contrary to the laws of God, and the eternal laws of reason? St. Germyn says. Dr. Stud,

"IF any statute is made contrary to these, it should have no force in the laws."¹

IF any statute is made contrary to *truth*, it is void. *Contra veritatem nihil possumus, contra veritatem lex numquam aliquod permitteri.* 2 instit. c. 252. Plowden has reported a variety of cases wherein acts of parliament, were esteemed void in law through the want of truth in the recital. P 398 to 400. *Et essint Parliament puit misprender choses, et statutes que misrecite choses, et sont referre a eux feront void, et nul sera conclud par eux. Issint en notre principal cas le statute que recite le plaintiff suit atteint, et confirme ceo, fut atteint SERA VOIDE*

‡ "The *Law of Reason*" says St. Germyn, Dr. and Stud "is the first foundation of the English law." Whatever is contrary to reason is unlawful Codit. 97. Such is the immutability of the *Law of Reason*, that against it there can be no *prescription, statute custom.* Doct. and St. c. 2, p. 23.

By a *malum in se* is meant such an evil that the laws of human nature condemn without the—

¹ Reference is here made to Christopher Saint German's *Doctor and Student* (1523), a handbook of law that was superceeded by Blackstone's *Commentaries*.

BUT this is not all: the subject indeed is infinite.

HAVE the Legislature the power to declare an express *malum in se* lawful? Can they declare murder lawful?¹

HAVE they authority to give any one man, or body of men, a monopoly?

HAVE they authority to disfranchise any body of men?

HAVE they authority to grant to any man a protection directed to the Sheriff?

HAVE they authority to incorporate a town, granting it power to make ordinances, *under pain of imprisonment*, for breach thereof?

CAN they make lawful, what is iniquitous? St. Germyn says, whatever is iniquitous, is unlawful, and can never be made lawful, by no authority on earth Doct. and St. c. 6 p. 18. 3 Bulstrode 313.²

HAD the Legislature of England legal authority, to tax America, without her consent in all cases whatever? Yet they had power, and iniquitously³ at- [13] tempted to use it: but natural equity, reason and common sense declared it to be illegal and tyrannous, and we virtuously rebelled against their measure.

SUPPOSE the Legislature at any one session, would declare *themselves* the future representative of the people, descendible to their children, by the hereditary birth-right.

SUPPOSE they were to give up the ancient and established right of the people; to be represented in the Legislature:

WOULD not an act for so base a purpose, be entirely subversive of the principles and constitution on which the Legislature itself is founded?

WOULD not such an unnatural act of the state, be parallel to the crime of *felo de se*, in a private person?

SUPPOSE a law appointing three men to set as judges in their own cause, and to try one another, would not this be literally a *partial* law, the very reverse of Justice and natural equity?

SUPPOSE a law prohibiting a Doctor, under the penalty of perpetual infamy to charge more than twenty five shillings, as a taxed fee, in all fevers.

¹ This latter question is inserted in writing—(W. K. B.).

² Edward Buletroul, *Reports of divers Resolutions and Movements*, in three parts (1657, 1658, 1659—W. K. B.).

³ This also is inserted in writing—(W. K. B.).

SUPPOSE a law prohibiting a lawyer from taking more than forty shillings in all cases without distinction, under the penalty of banishment.

SUPPOSE the planter is prohibited from ever asking, directly or indirectly, more than twenty pounds for any horse, mare or gelding, he may think proerd to dispose of.

Is not the labourer worthy of his hire? Is not every man the best judge of his own property?

SUPPOSE a law arming bills of credit with the authority of the State, and making them a tender in all payments.

Is not this an absurdity so great, that it is not easy to speak with propriety upon it? Perhaps it is an absurdity reserved for American Legislatures.

NATURAL equity does not permit even the inferior property of lands goods chattels or money to be alienated, altered or changed, without consent. Positive laws forbid any person to deprive you of it without a trial; yet the Legislature have declared a Dollar of Mexico to be equal to eight shillings in paper, and the Judges have wisely decreed an ounce of silver to be of the same intrinsic weight as eight shillings paper money!!! ^Δ *Quis talia fando temperet?*

THE examination of this point may give some general idea, how far the imaginary omnipotence of the Assembly may be allowed to extend. *Ld. Coke* says, the more high and absolute the jurisdiction is, the more just and honorable ought it to be in its proceedings, and to give example of justice, 4 *Inst.* 37. This must appear to be most strictly true for, whenever the supreme temporal powers exceed the honorable limits of natural justice and truth they lessen their own dignity, and forfeit every esteem due them from the subject. A pretence to honor and justice in a bad cause is only an aggravation of injury and iniquity. The most wicked ordinances have sometimes been ushered into the world under the most sanctified titles, and the [14] specious pretences. The act of *Henry* said to be against great enormities and offences which have been committed, and have daily contrary to the *good statutes*, for many and divers behooveful considerations severally made and ordained, to the displeasure of Almighty God, and the great let of the common law and wealth of the land ——— Now, notwithstanding this flattering preamble, yet, the purview of this act, as will presently be seen, tended in its execution

^Δ *In Whitmill Hills Case, Halifax.* [This also is inserted in writing.—W. K. B.]

to the utter subversion of the common law and to the great let of the wealth of the nation. When laws are *ex diametro* in their consequences repugnant to the law of the land, they must be considered as void by the subject, and highly dangerous to any Judge who will presume to enforce them.

SUPPOSE an act decked with the most flattering title, such as an act for the better regulating the government, or an act for the more impartial and speedy administration of justice, yet, as Lord Coke says in his proeme p. 40, if in their purview they tend in their execution *ex diametro*, contrary to such specious pretences, to establish principles whereby any fundamental law of the realm is altered, the same would endanger the necks of any Judges that were imprudent enough to enforce them, notwithstanding the express command of Kings, Lords and Commons should be alleged as their sufficient warrant, because we find the *like authority* afforded no justification to Judges Empson and Dudley in a *similar case* (the above statute of Henry 7) neither did the consideration of their having acted under *parliamentary authority* render their fate more pitiable in the eyes of the people.

By color of this act, 11 Hen. 7, says Mylord Coke, shaking the fundamental law of jury, it is not credible what horrible oppressions and exactions, to the undoing of infinite numbers of people, were committed by Sir Richard Empson and Edmund Dudley, &c. and upon this unjust and iniquitous act, *a new office* was erected &c." in the next paragraph he says." And the fearful ends of these two oppressors, should deter others, from committing the like and should admonish parliaments, that instead of this ordinary and precious trial by jury per *legem terre*, they bring not in absolute and partial trials by discretion." 2 Inst. 57.

AGAIN, we are told, by the virtuous Judge Dyer, that Gerarde, Chancellor of Ireland, in the time of Q. Elizth. moved this question to the Queens council, whether an Earl or Lord of *Ireland*, who commits treason by open rebellion, shall be arraigned, and put to trial in England for the offence, under the statute of 26 Henry 8 C. 13th, 32 Hen. 8th 6 4th, 39 Hen. 8th, and 2d and 5th Ed. 6th, C. 11? it was maintained by Wray, Dyer and Gerrarde the Attorney General THAT HE COULD NOT, for he cannot have his trial *here by his peers* nor by any jury of 12, because that he is not a subject of England but

of Ireland, and therefore his trial shall be there &c. Dyers, Rep. P. 360 C.

[15] THESE great and worthy lawyers were not afraid it seems to maintain the weight of a legal *and fundamental reason*, (the trial by a jury of the vicinage) against the combined force of 4. *express acts of parliament*. And such a reason, tho' it had been advanced by a single Judge, or any private individual, is certainly of more weight than the opinion of all the Judges of Israel, when given *contrary to reason*, or against the tenor of *any fundamental law*. History tells us that these two Judges Empson and Dudley *were hanged, for their time serving, in daring to dispense with the interposition of juries*; tho' they acted by the express authority of an act of parliament.

It is not almost credible to foresee, says my Lord Coke, when any maxim or fundamental law of the realm is altered, what dangerous inconveniences do follow, which most expressly appeareth, by this most unjust and strange act of Hen. 7 for thereby, not only Empson and Dudley themselves, but such justices of the peace, (corrupt men) as they caused to be authorised, committed most grievous and heavy exactions, and oppressions, grinding the face of the poor subjects by penal laws, *by information only without any trial by jury* being the antient birth right of the subject, but to hear and determine, the same by their discretion, inflicting such penalty, as the statutes not repealed imposed. 4 inst. c. 1. p. 11, and he adds, we have shewn the just inconvenience of this statute, *to the end, the like should never hereafter be attempted in any court of parliament, and that others may avoid the fearfull end of these two time servers, Empson and Dudley, Ibid.*

Why should we in the compass of a pale,
Keep law, and form, and due proportion,
Shewing as in a model a firm state,
When our sea walled garden (the whole land)
Is full of weeds: her fairest flowers choaked up,
Her fruit trees all compruned, her hedges ruined,
Her knots disordered, and her wholesome herbs,
Swarming with new created caterpillars.

NUMBER V.

IN my last, I attempted to shew, that the omnipotence of parliament, is imaginary, and a *figure rather too bold*, even for the Legislature of England, the observation must undoubtedly apply with more force, to any assembly under the controul of a constitution, and ever subject to the *majesty of the people*, whose voice is the voice of God: and having adopted the laws of *England* as their *King*, are ever zealous to maintain them.

HAVING shewn that no legislature can declare any thing lawful, which is contrary to reason or fundamental principle:

HAVING shewn the awfull consequences that have befallen time serving men, acting in obedience to unconstitutional laws.

[16] HAVING on the other hand, shewn, the vigorous and manly opposition, to unjust and iniquitous laws, by some of the greatest men that ever graced the political character:

HAVING shewn, from history and experience, the fatal consequences attending a direct infringement of any fundamental principle:

HAVING shewn, that iniquitous and unconstitutional principles, may be hid, under the fairest cloak of decency, and under the most flattering preamble:

HAVING cited the awfull warning, to all *parliamentary* and *judicial* characters, by the great, the virtuous, the wise *Ld. Coke*, the noblest lawyer, the boldest statesman, the most able politician, that ever graced the annals of English history:

MAY we not conclude, by drawing a striking contrast between the *quoted* statute of Hen. 7, and the *quoted* laws of 1783, 1785, and 1786, that they are all iniquitous, and fundamentally wrong:

WHAT a specious, what a flattering preamble is annexed to the 1785, c. 7? A law to "*quiet men in the possession of forfeited property, legally sold them, by commissioners.*" A stranger would expect the most happy consequences to result from such a well dressed title, and yet by the same law, infants, feme coverts and others, that never lisped a treasonable word are *legally* to be deprived of their right, *without the ceremony* of a *trial*, nay without being *heard*.

But this is not all. It is highly reasonable, says the act, that *expensive* and *vexatious law suits* should be avoided, therefore we adopt this speedy administration. But if, says the act, any favourable cir-

cumstance shall be made appear to the General Assembly, by such infants, feme coverts, or any other persons nor meant or described in the confiscation laws, that their property has been *taken* from them, and sold by our *legally appointed* Commissioners — We, in our gracious will, hereby entitle them to receive the certificate money ‡ for which their property was sold, together with an interest of *6 per cent.*

In smiling aspect listen to the consolatory language of the Legislature. If your estate has, by our laws, been taken from you, without a crime, or even the suspicion of error, and has been sold for 1000*l.* intrinsic money, we will relieve you by giving you a certificate of equal nomination, with which you ought to be contented and satisfied. It is reasonable that infants and others, the friendless and widowed, should avoid law suits, even without a groan or sigh under the oppressor's hand. It is true, we have unfortunately (not altogether following the just forecast of wise legislators, in open viola- [17] lation of the bill of rights and of the constitution) taken away your property, the only means of your support, and the only means by which you can travel. Leave your homes and attend the movements of our political balloon, guided by the God of error, whether he rest on the summit of the Apalachian hills, or on the verge of the Atlantic ocean, regardless of 1, 2, 3 or 400 miles; in humble, piteous and suppliant guise, produce your orphans, the pledges of the love and fidelity you bore the man who died in the glorious cause of liberty, in the well fought battle of Guilfort, make your griefs known, to our High Mightinesses, and if we are in good humour, we will give you a draft on our treasury, subject as paper secureties are to a depreciation. We are sorry, poor woman, that we have robbed you of your home, and cast you and your pretty children vagabonds in the wide world: but we politicians in directing the mighty machine of government cannot stop to regard little things. We have conducted ourselves by a fixed and unvariable principle, and we politicians never recede from principle. *Know, that private interest is*

‡The certificate money was issued at the rate of 4*l.* 6*s.*: to 8*s.*—Since its emission it has depreciated to 2*s.* 8*d.* in the pound, in which manner most of confiscated estates have been sold. The certificate money in such payments never has depreciated but was received at their emitted value—So that the purchaser with certificate money buys against the purchaser with real money as 2*s.* 8*d.* is to 20*s.*

always to give way to the general good. And if you have fallen under this unhappy predicament, let me advise you to bear your fate with decency, you have no relief, *it is so, it must be so.* *Is not there an act of assembly for that purpose?* Go home, be quiet. Do not tease us with your nonsensical crying. Do not bring your brawling brats here! ! ! *

THE unhappy woman, with tears gushing in her eyes, in all the agony of despair, as if inspired with the feelings of her country, revolt with spirited indignation against the horrid act, and in piteous woe, with half suppressed breath, exclaims: Blush, oh Virtue! Genius of Liberty! hide thy face! Wherefore have thy sons fallen in the field of battle? Why did crowned sceptres aid thee in crushing thy oppressor? Why was the proud lion carried into captivity, captive, why didst thou thus throw him to the earth, to raise up this many-headed monster? Is this the fatal catastrophe of so long a war? Am I to be thrown helpless, unfriended, a vagabond on the world?

SURELY there can be no contrast between this act and that of Hen. 7, the balance is in favor of Assembly. In the steady temper of Portius,

“They can look on guilt, rebellion, fraud and Cæsar,
“In the calm light of mild Philosophy.”

SURELY the illegal levying of ship money by Cha. I. cannot be put on an equal footing with this. Charles had his divine authority, he had passive obedience and non resistance to support him, but Charles was beheaded. [18] Here Demagogues pass ordinances contrary to the laws, which they have sworn to support in justice and in mercy. There is no mode of redress against them, they cannot be sued, they cannot be beheaded. Surely the scale of triumphal tyranny, of much honored treason is in favor of Assembly.† It is rank, too rank even for an Empson or a Jeffries.

* Read Swift's Draper's letters, his advice to the Farmers of Ireland, how to treat their children in like cases. His advice to the father, is to sell his child for butcher's meat.

† *The first and highest treason* is that which is committed *against the constitution* Lord Sommers's judgement of whole kingdoms p. 8. “They neither are, nor can be traitors, who endeavour to preserve and maintain the constitution: but they are traitors, who design and pursue the subversion of it; they are the *rebels*; that go about to overthrow “the government of their country: whereas such as seek to support and defend it are “the truly loyal persons, and do act conformably to the ties and obligations of *people*” *ib.* page, 9.

Nolimus leges mutare,—Non protest Rex Anglae, ad arbitrium suum, leges mutare, Fortescue. . . .

UNDER Nero and Domitian the Romans kissed the rod of power; in Turkey and in France men live happy in *obedience* to the *will* of their *prince*; it is honorable to follow him; the Prussian stoops to the code of Frederic for the yoke is easy and the burden is light. There it is the voice of the constitution, the voice of the people. In Scotland men pant only for the glory of their chiefs. There they are unacquainted with civil liberty, there they have speedy trials, there justice is administered with dispatch, and it is the voice of the constitution.

BUT, did we not virtuously rebel against Great Britain, for attempting to overturn fundamental laws? Did we not take up arms—did we not fight bloody battles—did we not endure hardship, poverty and distress, in support of the constitutional rights of freemen? It was the voice of the people, it was the voice of our laws; and yet, have not the Assembly of this state, by this act of 1785, overturned the chartered rights of men? Have they not flown in the face of the constitution? Have they not despised the voice of the people? Have they not Faux like attempted to blow up the rightful inheritance of their fellow country men? Mention it not in Gath, speak of it not in the streets of Askalon.

“LET it be remembered,” says the virtuous Mr. Blackstone, “that our properties, our liberties and our lives, depend upon our maintaining in its legal force the constitutional trial by jury. Let it be remembered that no conquest, no change of government, has ever prevailed with Englishmen to ablioth it. Let it be remembered that this admirable criterion of truth is the most important guardian both of public and private property. So long as [19] this bright jewel is preserved, in times of difficulty and danger we have nothing to dread from the violence or partiality of power.”

“OUR law has wisely placed this twofold barrier between the liberty of the people and the prerogative of the Prince.”

“POWER would be dangerous and destructive of the constitution, if exerted without check or controul.”

“IN France and in Turkey men are imprisoned, dispatched and exiled; their property is taken from them by an instant declaration of the Prince.”

“BUT the founders of the English laws have with excellent forecast contrived that no man should be condemned, but by the unani-

mous suffrage of twelve of his equals and neighbors indifferently chosen, and superior to all suspicion." 4, Blackstone 349. *

"THIS institution," says the elegant Mr. Hume, "is the noblest for the preservation of liberty and the administration of justice that ever was devised by the wit of man." 1, Hist. Eng. 98.

"THE liberties of England," says the judicious Mr. Blackstone, "cannot but subsist as long as this palladium remains sacred and inviolate, not only from *all open attacks (which none will be so hardy as to make)* but also from all secret machinations which may sap and undermine it, by *introducing new and arbitrary methods of trial by justices of the peace*, commissioners of the revenue and courts of conscience, and however *convenient* these may appear at first, as doubtless all *arbitrary powers, well executed*, are the *most convenient*. Yet let it be again remembered, that *delays and little inconveniences in the forms of justice, are the price that all free nations must pay for their liberties*, in more substantial matters: that these inroads upon the sacred bulwark of the nation are fundamentally opposite to the spirit of our constitution, and that though begun in trifles, the precedent may gradually increase and spread to the utter disuse of juries in questions of the most momentous importance." 4 v. 350.

[20] In the same specious manner are the court laws of 1785 and 1786 introduced for the *more speedy administration of justice, and in order to prevent the great mischiefs which have arisen to the good people of this state, from the great abuses of lawyers*. Under this flattering preamble, under this velvet toned address to the community, a fundamental law of the land, and express article of the constitution is violated. Any one Justice through the State can exercise jurisdiction to the extent of twenty pounds. It may be a mode of *dispatching justice*; it may be a mode of trial *convenient* as Judge Blackstone says, as doubtless all arbitrary powers well executed, are the most convenient, *ibid* 4 vol. 350, but it is rank with iniquity and with treason to the constitution.

EVEN supposing that the Justices throughout the State were gentlemen—men of education and talents, yet, such power would

*At the commencement of the American revolution, in the elegant letter wrote by Congress to the people of Great Britain and Ireland, the want of the trial by jury in Canada, abolished by the establishment of the civil law, is mentioned, in warm terms, as a plain indication of the fatal consequences that might follow to the United States and is branded as a mark of despotism in the King of England.

The politic Gen. Carleton, now lord Dorchester, viceroy of that province, has lately introduced the trial by jury into all cases whatever.—This happy change in judicial proceedings is held forth as a bright emblem of his mild government, and is extolled by the people as a happy presage of the establishment of this civil rights and liberties.

be highly dangerous and illegal. I admit from my own observations that among the Justices there are men of virtue, honor and probity; men of education, taste, and accomplishment. But when the far greater part are men of a different cast, we have reason to expect nothing but the greatest abuse of justice. A trial will be administered speedily and with dispatch, but yet, it will be fraught with turpitude and prostitution.

THIS office, says the ingenious Judge Blackstone, when slighted by gentlemen, falls of course into the hands of them who are not so, but the mertools of office.—And then, the extensive power of a justice of the peace which even in the hands of men of honour, is highly formidable, will be prostituted to mean and scandalous purposes, to the low ends of selfish ambition, avarice, or personal resentments. And from these ill consequences, we may collect, the prudent foresight of our antient law givers, *who suffered neither the property, nor the punishment of the subject, to be determined by the opinion of any one or two men*, and the necessity of not deviating any further, from our antient constitution. Blackstone comment, 282.

BUT men, with their situation, change their opinion—in the old government, such a law, giving £ 20 jurisdiction to a single justice, would have set the whole country in a flame; but these men are now in power, and the love of power is the sole creation of this *new made office*—but mark the end. If we may be allowed to draw an apt conclusion, from so fair a precedent,—the jurisdiction will encrease by a regular climax to sums of the greatest extent. There is no line to be drawn, a justice might as well have jurisdiction to the extent of one hundred pounds, as of twenty pounds——— he may as well have jurisdiction to the extent of a thousand pounds as one hundred pounds or ten pounds, &c.—He may as well have jurisdiction over any and every capital office, as to the extent of thousand pounds or ten [21] pounds—power depraves the heart of man; we cannot limit the bounds of man weakness or depravity. The cloud which rose from the sea no bigger than a man's head, may soon swell and spread untill it cover the horison, and discharge with most destructive violence the gathered storm.

SUPERIOR courts may be abolished—the inferior may swallow up matters of the highest nature.—The justice may again urge his competency for the speedy administration of right, trials may alto-

gether be disused and the lives, the property and liberties of men may be exposed to the arbitrary direction of one or two. Good Heaven! Justly may every legislator who has been accessory to the making of such laws apply to himself the language of Hazael to Elisha the prophet, "*Is the servant a dog that he should do this great thing!*"

BUT I will not be so far a dupe to opinion, I will not allow myself to be so begottd, or tied down to the strict letter of the law as not to admit that from the *necessity of the thing* there are matters so light and trifling as not to deserve the dignity of a court of justice.

It would be hard, if I could not punish my slave, for any offence without appealing to a court of justice—it would be hard if a thief could not be committed without a trial—it would be hard if drunkenness, and vagrancy could not be punished but by a trial of freeholders—it would be hard upon the creditor, and still harder on the debtor, if small debts were not to be recovered summarily. Justice and sound policy point out remedial instruments for matters of small moment—but the history of England (that land of liberty) points out no one instance, of even the property of the individual, in the smallest instance, being subject to the *discretion of one man*. A justice may issue warrants, and commit upon suspicion, he may punish in many petty disorderly offences, such as swearing, drunkenness, vagrancy, idleness, and so on. The policy is necessary and useful, though even a timely check, should be given to its present extension, and though I admit thus much for the necessity of the thing, yet I cannot allow justice to be properly administered, *but in a public manner*: not in a bush not in a drunken tavern, not in the private apartment, not in the retired corner, but in the *forum* of justice in the presence of the world.

FOR this purpose, courts of conscience are adopted by Virginia, Georgia and other states, to try small matters, without a jury, by a quorum of the justices, though were the county courts under proper regulations, the business might be done with equal dispatch, without so often troubling the country. The common law has prescribed forty shillings sterling as triable in court tourn and leet, and no further.

BUT, it was my intent to point out the error, and not to rectify the abuse: I will not take my leave from you, with the observation of the poet, *qued potui feci, faciaut meliora polentes*. Let abler Pens offer their mite.

XIV

A PETITION AND REMONSTRANCE TO THE PRESIDENT
AND CONGRESS OF THE UNITED STATES
(1791). BY A NORTH CAROLINA PLANTER.

INTRODUCTION

The federal excise tax of 1791 was very unpopular in North Carolina. The lack of good harbors impeded foreign trade and the long distances to the larger centers of domestic commerce made money scarce, and the prices of goods brought in were very high. Hence much of the surplus grain crop was annually distilled into whiskey, which was peddled by the farmers on the long journey to markets, so becoming a distinct money product. A tax on spirits was therefore regarded as especially burdensome, and the Legislature instructed the North Carolina senators to use their influence against the adoption of the measure. In the congressional debates Hugh Williamson, Federalist member of the House, declared that "a more exceptional mode of taxation could not be devised. . . . A direct or poll tax would not be so odious. Such was the aversion of the people to it that they would prefer almost any alternative." In the vote on the measure Williamson and also John Steele, the other Federalist Representative from North Carolina, were among the nays. Resistance might have been encountered in the collection of the revenue if the law had not been changed in 1792, exempting the smaller stills from the tax.

Such is the background for the following poem by an unknown planter of North Carolina. It was published as a broadside; the only copy known to collectors is in the possession of the New York Public Library, and this reprint is made through the courtesy of that institution.

A Petition and Remonstrance to the PRESIDENT
and CONGRESS of the United States.

[Written by a North Carolina Planter]

*Leeze me on drink! it gies us mair
Thon either school or college,
It kindles wit, it waukens lear,
It pangs us fou' o' knowledge.*

BURNS.

Ye choice of a' the thirteen states,
On whom power, wealth and wisdom waits,
Doucely directing our affairs,
To you I humbly send my prayers.

Alas! I scarce can ope my mouth,
I'm amaist chokin dead in drowth,
Thro' a' the land baith auld and young
Like craws are puttin out their tongue,
And praying you with a' their might ay
To gie them back their *aqua vitae*.

I hae nae skill to form addresses

In artfu' words and clerk-like phrases;
Wi' fulsome flattery and lies,
To ca' you great, and good, and wise,
To thank your honours, and to shew ye,
How much the land's indebted to ye—
Trowth, I hae nae sic gift o' gab,
But just like our ain Tam or Bab,
I shall right honestly express
Their grief and mine, and beg redress.

The country's a' in greetin mood
And some are like to rin red-wud:
Some chaps whom freedom's spirit warms
Are threatning hard to take up arms,
And headstrong in rebellion rise
'Fore they'll submit to that excise:
Their liberty they will maintain,

They fought for't, and they'll fight again :
 Others as fierce wi' bitter dash
 The persons of our great folk lash,
 And sen' them to auld Clootie stra'it
 For villains a' and knaves o' state :
 And some douce folk wha see right clear
 Think we hae something mair to fear.
 That fair alarms us: this, they say,
 Is but the prologue 'o your play,
 Which if ye once can put in practice
 There'll be no end o' tolls and taxes,
 Frae less to mair, till by degrees
 Ye'll tax our bread harth-stones and cheese.
 Tis dreadfu' times! I dinna ken
 How a' these carryings-on may en',
 But spite of a' your fair pretences
 Folk tremble for the consequences.
 From what, now think you, can a' this be?
 Its just your tax upo' their *whiskie*.

O tak into consideration,
 Ye mighty rulers of our nation
 The purport o' my supplication, }
 And frae *sic imposition* free us
 And nae mair cause to grumble gee us;
 For while sic duties drain our purses
 Ye'er loaded with the poor man's curses;
 On *whiskie* ye've no right to tak it,
 We dinna trouble you to mak it,
 E'en let our water freely flow,
 We raise our grain oursels, ye know,
 Wi' our own cash we buy our stells
 And mak it a' within oursels:
 —Trowth, this is an odd kind o' quirk,
 That we maun pay you for our work!

For your excisemen, I'll just tell them
 The country has a mind to fell them,
 Gif they obey their paughty masters
 I wat they'll meet wi' some disasters,

May hap they'll get their stents well paid
Wi' a thrash'd back or broken head,
Shame fa' th' unmanly tame submission
That tholes the lordly imposition:
If e'er a creeping scoundrel pays
That tax, and does our whiskie raise,
Misfortune grant that for the gains o't
His stell may burst and blaw his brains out.

And ye, my countrymen, whoe'er
Holds liberty and whiskie dear,
Whose courage, fir'd wi' this by turns,
For that with jealous ardour burns,
Weel knowing they support each other,
And both must stand or fall together;
How will your spirits brook some day
To see those blessings ta'en away!
I am nae sower of sedition
T' advise hot-headed opposition;
But can ye see those greedy kites
Make prey of, and devour your rights,
Some curst collector of the excise
Seizing a stell before your eyes,
Wha in triumphant rage has got
Nae mercy on the poor man's pot,
But wi' a sledge or handspike, either,
Is dingen baith its sides together
My free-born brithers, shou'd ye stan'
To look at this and hold your han';
Nay, dinna hesitate a minute
Seize him, and plunge, and boil him in it,
Just mak a soup o' the greedy sinner
And gee 't to' auld Hornie for his dinner.
Tak heed, ye calm, deep thinking sages
Ere this too much the folk enrages;
If once their spirits rais'd and nettled
Ye ken they'll na be easy settled,
But fierce as ony Bedlam crew
They'll tak nae tent o' what they do,

Wi' whittle drawn, thro' dirt and bluid
 They'll push their point and mak it guid:
 Then stand aloof wi' dread that day
 I réde ye na to come their way,
 For nae respect or mercy then
 State officers, or Congress men
 May hope to find; ye'll bear the brunt
 Upo' your heads, wi' heavy crunt;
 In furious rage quite desperate grown
 They'll turn the cont'nent upside down,
 They'll damn your fine new constitution
 And make a terrible confusion.

Is there nae ane among you there }
 Of parts and courage to declare, }
 The honest truth o' this affair, }
 To show wi' manly indignation
 The injustice o' this new taxation,
 And warn you in good time to cure it;
 The country winna long endure it?
 Where's that true patriot, hearted chiel
 Frae Salis'b'ry, what d'ye call him? Steele.
 Get up, my lad, and still their clatter,
 And tell them right aboot this matter;
 For weel I wat that you can tell
 My tale far better than mysel.
 Your rhet'ric's now a sonsie shift
 That canna fail to gee'us a lift,
 If uncorrupted still you are,
 The honest man that once you were:
 I mind right weel, when first you spoke,
 The worthy patriot part you took,
 When lawyer-like, well fee'd in han'
 They made sic blasts aboot Steuben,
 You made the Dutchman's conduct known,
 And gart the hirelings hear their own;
 If now you'll rise wi' sic a heart
 And warmly take your country's part,
 I pledge my honour I shall gie you

A whiskie nais next time I see you;
Speak out, my honest hearty blade
Ne'er mind those grumbling rooks o' state:
E'en let them tak it, pleas'd or spited,
Be bauld and see your country righted.

Foul fa' your pranks, ye cunning gentry
Ye've amaist ruin'd a' the country!
Aboot her indents first you play'd her
A trick, that bluidy mad has made her,
You wad retrieve the public credit
Forsooth, and ten times worse you've made it.
How they were rated nae ane tells
Ye kept that close among yoursels,
And ere the poor folk knew their worth
Ye sent your speculators forth.
Now, when you've cozen'd us o' these
(Whose blood but boils, the fraud that sees)
Our whiskie's tax'd, our cash must go
To pay the knaves that trick'd us so:
—Gif ye impose this double wrong
Ye'll see new measures ere't be long,
Ye need na' thraw an angry gruntle
At this, for what I say I'll stan' till,
And mair than I: folk downa bear it
Their bluid is rais'd, they'll gar you hear it;
Albeit you're grown so grand and great
I'll speak my mind, I'll nae be blate;
On none of you am I attendant,
Am a plain ploughman independent;
But sin' I'm here among ye a'
Myself ill-bred I winna shaw;
For when great folk I come before 'em
I maun behave me wi' decorum,
But when I think upon that pliskie,
Which ye hav' play'd us 'bout our whiskie,
Tho' for it I shou'd get a thrashin
I hae nae power to curb my passion.

Low and despised in life my lot is
Where nae one thinks me worth his notice,
But gif I had the power or skill,
Like some o' you, to effect my will,
The chaps whose gabs advis'd such treason
Should find a stoppage in their weazon,
I'd fit a pair of iron garters
To some who trample freedom's charters
True, I've nae skill in politics,
But de'il reward them for their tricks,
The crafty knaves that put ye to it
Because we poor folk can't see thro' it,
"To raise a revenue, ye say,
"Our public officers to pay."
I trow, it wad become ye better
And wi' your circumstance be fitter,
To low'r their wages and your own;
Ye're quite too gentlemanly grown:
Your country is a bankrupt made
That ye fou' liberal may be paid;
Large payment first ye did secure
For a' the wrongs ye've since done to her.
Yes, your first step secur'd your pay
Sax dollars to ilk man per day,
(O what a sin, O what a shame
In public trust to have such aim!
Barefac'dly thus to make it plain
That your chief end was private gain,)
Sax dollars! faith, ye are nae stinted!
That ilka day's na to be grinn'd at,
There's many an honest man I guess
Does better service for far less,
Ye weel might gab right loud for that
Its a braw hire for three hours chat;
I fear the folk that hae to pay you
Get na that worth 'o service frae you—
Sax dollars! gin 'twas left to me

I'd clip your wages down to three;
And gif' you wad na' tak it then
We'd find enough o' better men,
Wha'd serve us wi a ready zeal,
Not for their country's cash, but weal.
If poor, be frugal—ah! but then
Ye wad na luk like gentlemen;
Europe wad think ye sic poor wretches
For their grandees ye'd be na matches;
Our pinching poverty they'd sneer at
An' that wad grieve your public spirit,
Wi' you its no for greed o' money,
Its—just the credit of the country,
Then tak fou' wages, dinna stint,
Consider ye hae sic a mint,
The chaps wha sic fine laws hae made
'Twere shame that they should be ill paid,
Gif your ain treasury grows scant
There's others—'tis no shift to want—
Sure ye hae credit to advance
Wherewi' to borrow mair frae France;
On what conditions ye can hae it
Tak it—posterity can pay it,
Cram your own pouches fou, then han
A little o' it to Steuben:
Twas him, ye say, wha sav'd our state
When nae one else cou'd do a hait,
Thro' a' the war he was our hinge, ay,
Now ye'll na let him find ye stingee:
(I trow right weal ye ken his merit,
An' ye as weal hae let us hear it!)
These ither pensioners wha stan'
Sae bashfu' here wi' cap in han'
Gie them a groupin for their need;
The war is done, they maun hae bread,
Sin' they hae fought sae weel, 'twere now
Great shame to set them to the plough,

Pity that they shou'd come to starvin
 The chaps that ha' been so deservin.
 Thus deal't about, and dinna fret
 Yoursels about the public debt,
 For now's the time to make your fortune
 Improve it weel, its but a short one,
 For folk hae' taken sic a pout,
 That gin your present term is out, }
 Ye'll na come here again, I doubt. }
 Dinna be hard wi' ane anither
 But each be generous to his brither,
 When cash or service he demands;
 And work to ane anither's hands,
 I warrant ye, ye'se be repaid it
 Wi' cash or service when ye need it.

Ha! ye're a set o' trickie blades,
 Fou' perfect masters o' your trades,
 To grind the poor and fleech the great,
 To serve yourselves and rob the state.
 But tak ye care, ye'll find, I fear,
 Sma' gain frae sic ill-gotten gear,
 For a' sic paukie carls ye're grown
 The de'il may one day get his own,
 And poor folk yet laugh at the excise
 When ye're bak'd up in brunstone pies.

Now, if remead we dinna get
 Neist time will find anither set,
 Right honest men, wha'll hear our prayer
 And gee us a' we ask and mair:
 Sae, do your worst—we need regard ye
 But twa three years, and then discard ye.
 But if you wad come back again,
 Retrieve your credit while ye can:
 Tak off this tax, and then fore ony
 Yese be the Congress for my money,
 Tak off this tax, and then ye may
 Sit here till ye are a' grown grey.

Immortal, honored Washington,
Great heir of glory, fortune's son,
Accept, illustrious President,
The gratefu' thanks that I present.
Weel ha' you acted in your sphere
Of power and trust this many a year,
In war you gain'd unequall'd glory
Driving our enemies before ye;
Your matchless conduct in the field
Made the proud arms of Britain yield,
Astonish'd Europe heard your fame
And tyrants trembled at your name;
More fondly now in you we boast
The hero in the patriot lost,
Whose guardian care o'er us maintain'd
Preserves those rights his valour gain'd:
A conduct that in peace exceeds
The high-blown fame of martial deeds,
Your dear renown spreads every where
Like incense thro' the sweeten'd air;
This is no false-meant panegyric,
I dinna aim to be satyric,
Nor wou'd I treat ungrateful so
The man to whom so much I owe:
That we have peace and freedom too,
Great Sir, we owe our thanks to you;
'Tis what your prudent valor gain'd
And your wise conduct has maintain'd.

But a' your wisdom now may fail ye
You've sic an unco set to deal wi'
For what I shall hereafter mention
Threats freedom with a fair declension,
Some folk, that are nae prophets neither,
But looking thro' a' things thegither,
Foretell, and others do them b'lieve
Our freedom has not long to live:
Now, Sir, I wad be laith that ye

Wha sav'd her life shou'd let her die:
 O wad you use her like a father,
 But draw corruption in a tether,
 That thief o' state! who finds I fear
 Too many of his cronies here;
 I see him reach his hell-black paw
 Handing our liberties awa' }
 For bribes to stuff his greedy maw. }
 With welcome joy they shake his hands
 While injur'd freedom backward stands,
 Hanging her head in wofu' bevel
 Corruption's gae'r an unco devil;
 Can you behold it, mighty chief, }
 Insulted freedom's wrongs and grief, }
 And na' take measures for relief?
 On you she turns imploring eyes
 While struggling at their feet she lies,
 And your assistance loud demands
 To save her from their ruffian hands,
 And you'll assist her, I'se no doubt—
 But your four years will soon be out,
 And then may some guid angel help us
 Or else I fear some ill ane skelp us—
 Who knows, from all our rights to rend us,
 What President the devil may send us,
 Assisted by some gallows knaves
 To make us like the old-country-slaves.

But to my point I wad address ye,
 I mean the excise upo' our whiskie:
 Alas! for this I'm vexed fair
 That I can praise you now nae mair!
 O Washington! I needs must wail
 You're but a man! a' flesh is frail,
 The cleanest wheat has ay' some chaff in,
 The wisest hae their fits o' daffin,
 And you ha' sadly been o'erseen
 Or in this fact you ne'er had been:

They've ta'en th' advantage when, I doubt, you
Ha not had a' your wits about you,
Trowth, my old friend, I fear you've dealt wi'
Chaps who triumph'd o'er human frailty,
—Nae doubt, great Sir, you think right queer
Sic talk, frae ane like me, to hear;
That's no accustom'd to your ear.
Those sycophants, a venal gang
Wou'd gar you think you ne'er do wrang,
Crying with some sly selfish view
There ne'er was sic a man as you,
You canna go astray, but still
Are point-blank right, do what ye will,
But you hae wisdom to despise
Their fluchin snoolin crafty lies,
For had na wisdom been your guide, }
You must ere this ha' swell'd wi' pride }
And bursted like the frog, and died.
For me I think—I can't be sure—
There's ither men as good as you're;
I winna flatter to your face
You're just o' the common human race:
Tho' often right, yet must I say
That you ha' sometimes gane astray;
Your late concurrence proves too plainly
The justice o' this charge again ye;
Had you not ge'en your approbation
They cou'd na fore'd this foul taxation,
I wonder how they stuk'd your e'en
That thro' th' effects you had na seen.
Nae doubt, when this act came before you
They coost some wicked glammer o'er ye,
That darken'd so your mental sight
You cou'd na' understand it right,
The curst state wizards! they are well
Acquaint' wi' a' the arts o' hell.

But when spite o' their wicked skill
You learn th' effects, as soon you will,

Then Ise ha hopes that you'll take pain
 To see a' things set right again:
 And to you all I just wou'd say
 And then I shall nae farther pray,
 Consider "poor folk hae nae filler
 To purchase costly foreign liquor;
 We downa call for spirits nice
 While our lank purses dread their price,
 Our whiskie, let us freely tak it
 Untax'd, and cheap as we can mak it,
 Or let some o' your cash be sent us
 And either way it shall content us.

Now, gin ye do these wrongs redress
 May heaven your honours ever bless,
 Wi' the joys o' life in plenty,
 And every needfu' comfort grant ye,
 Guid huntin shirts to clothe your bodies
 And buckskin bricks to wrap your hurdies,
 May you ne'er lack a whiskie grog
 And rowth o' hominy and hog,
 May weel bak'd jou'ney cakes ne'er fail
 To make ye strong and fat and hale,
 Able for a' that comes your way;
 Thus your petitioner shall pray.

Explanation of the terms in the Scottish Dialect.

It will only be necessary to give an English explanation of the most uncommon Scottish terms made use of in the preceding piece. The more common, such as a', ain, fou' &c. every person knows the meaning of.

Blate—bashful.

Brunst—the first off going.

Brunstone—brimstone.

Chiel—a young fellow.

Clash—talk.

Clootie—the devil.

Crunt—blow of a cudgel.

Daffin—folly.

Doucely—wisely.

Daw, can devel—a [blow. stunning

Downa—cannot.

Een—eyes.

Fluchin—flattering.

Gab—ready talk, mouth.

Gear—wealth.

Glammer—magic spell.

Greetin—crying.

Groupin—handful.

Gruntle—face

Hale—healthy.

Hornie—a name of the devil.

Hurdies—backside.

Ilk, Ilka—each, every.

Ken—know.

Lear—laughter.

Naif—a dram.

Neist—next.

Paukie—cunning.

Paughty—proud.

Pliskie—trick.

Remead—satisfaction.

Rede—advise.

Red-wud—stark mad.

Rowth—plenty.

Siller—money.

Sensie—lucky.

Steck'd—short.

Stents—dues.

Tent—head consideration.

Thraw—swift.

Tholes—bears, suffers.

Trow—believe

Wat—guess.

Unco—strange, very great.

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